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## GOETHE'S "FAUST."

Goethe's "Faust" is by the unanimous consent of German critics the greatest work of their literature, the most characteristic product of the German mind. And because of this very national quality it is perhaps more difficult of just appreciation than many less excellent works of less individualized art.

In any study of this drama it is necessary to bear in mind *how* and *from what* it came to be. In the early part of the sixteenth century we hear of a certain charlatan named Faust who went about Germany swindling the credulous by fortune-telling, necromancy, and wonders of healing. He must have made a deep popular impression, for after a violent death, in 1540, he became almost immediately the nucleus around which gathered a great number of diabolical tales, which seemed to spring naturally from the gloomy fancy of this first century of German Protestantism, and in 1587, these legends were collected into a "Historia von D. Johann Faustus," written by an anonymous but zealous and mortally serious Lutheran.

This legend, \*consciously or unconsciously, makes Faust the counterpart, as he was the contemporary, of Luther.<sup>1</sup> Son of a peasant, he achieves great distinction at the University of Wittenberg, but falling into what the legend calls "a foolish and arrogant mind," he seeks by magic to deepen his knowledge of nature. A devil, Mephistophiles, be-

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<sup>1</sup> Ch. Scherer, Faust-Buch, xxi.

comes his servant for twenty-four years, after which Faust is to belong to the evil one, and the treaty is signed with his blood. At first the devil amuses Faust and his professorial famulus, Wagner, with high living, then with sexual pleasures, then he whets his curiosity in regard to the unseen world. This tending to rouse remorse, Faust takes to mathematics for consolation, and after a time visits hell and the stars. Then he makes wide travels on earth, playing various magical pranks, in the course of which he shares in wild student revelry and conjures up the Grecian Helen, whom he takes as concubine, and has by her a soothsaying child. When the twenty-four years are passed, the devil carries away Faust, who ruefully points out the moral of his folly.

The point of this moral in the original Faust legend is directed against those humanists who were no more content with the obscurantism of Luther than they had been with that of Rome. In the reformed as in the unreformed Church a man must not seek to know beyond what is written, and above all he must eschew Helena and Greek ideals of life. Both the Luther of history and the Faust of the legend lecture on ancient culture, but Faust yields to it and Helena, while Luther marries after the christian ordinance; Luther clings to the Bible, Faust wishes to search beyond and behind it; Luther fights with the devil, Faust compacts with him. Both visit Rome where Luther is shocked, but Faust is amused and cynical. In short, this "Historia" is orthodoxy brandishing its theological birch at the freedom of human inquiry.

This remains essentially the characteristic of all prose versions of the Faust legend, for of these there were several in the next century. Some, to be sure, endeavor to connect him with the idolatry they attributed to Rome, and some introduce the episode of Helena by an abortive attempt of Faust to seduce a servant girl, a *motif* afterward used by Goethe. Meantime, however, the "Historia" had been translated into English and dramatized by Christopher Marlowe (1589), with no essential change in plot or theology.

After Marlowe's death (1603) a good deal of *diablerie* was added to his serious tragedy in order to tickle the ears of the groundlings. In this shape English actors brought the story back to Germany where it attained much popularity as a spectacular drama, in which the clown, representing the shrewd philistine common-sense of the middle class, plays the chief part, counterfeiting and parodying Faust and almost masking the original serious purport of the piece. But a still lower fall, and greater vulgarization, awaited the legend. It became a puppet play, a sort of "Punch and Judy Show," to amuse children, and as such it was seen by the boy Goethe.

Meanwhile, however, Lessing with critical insight had perceived the great possibilities of a subject that involved the deepest problems of man's moral existence. Dr. Faust, he wrote in 1759, "has a number of scenes in it that only a genius akin to Shakspeare could have conceived." He even began, himself, a drama on the subject, though of this Goethe was probably ignorant. But what appealed to Lessing appealed equally, and perhaps more forcibly, to Goethe, for there were many things in the young man's career that might make him feel allied to the Faust whom he discerned behind the tinsel of the puppet-play. If Faust had explored all the branches of knowledge and found satisfaction in none, Goethe in his Leipzig years had been disappointed in his legal and metaphysical studies, of which latter "he thought he knew about as much as the teacher himself." Nor was he better satisfied with his critical instructors. "What I wanted," he writes, "was a standard of judgment, and that no one seemed to possess." Then in Frankfort he had had a touch of speculative theology through Frau von Klettenberg, and with it had been mixed a certain amount of pietistic alchemy and spirit-lore, which might fascinate but could not satisfy; and to all these we must add the powerful solvent of Rousseau's social philosophy. That he found in his personal student experience suggestions of Faust was not remarkable. He had a cynical friend,

Behrisch, who, to judge from a letter, seems to have counselled him to play Faust's part toward a Leipzig Gretchen; but the subject was more probably brought home to him by a sympathetic study of Paracelsus, the sixteenth century physician, in whom Goethe found the connecting link between Faust and himself.

Now the moment Goethe saw Faust in himself, the necessity of giving this subject literary expression became imperative to him. "Faust," as he would treat the subject, would contain his views of man, of destiny, of ethics, and of the spiritual world. It would be his testament to mankind. But there was a vast scope of intellectual and moral development that separated the young man who went to Strassburg in 1770, hiding his cherished scheme from the critical and captious Herder, from the venerable octogenarian who at eighty-two sealed the manuscript of the concluding part of what had been truly the work of his life, and wrote of it to Reinhard: "Await no finality. The last-solved problem of the history of the world and of mankind discloses immediately a new one to be solved." Incompleteness lay in the nature of the task, nor could we expect to find either in matter or form a unity of composition or plan. Much is unexplained, more is left without a clearly obvious purpose, and the sequence of some scenes offers insuperable chronological difficulties. As Scherer has said: "The whole plan is not carried out. Important scenes, which Goethe had proposed are wanting. Inequalities were not avoided. It is only when looked at in general and from a distance that the poem has unity, somewhat as the Homeric epics, or the "Nibelungenlied," or the "Gudrun." Just as the work of various hands in the broad popular epics produced only a partly unified whole, or hid and swelled the original whole, so here, this work of sixty years, long continued, interrupted, and subject to the most various moods, could not attain a true inner uniformity and completeness. While in the great mass of the First Part we admire the sure, bold hand of the young or mature artist, the Second offers, beside as-



tonishingly successful portions, weaker parts also, in which the hand of the aged master seems to tremble."

Goethe was entirely conscious of this. He calls it, in writing to Schiller, his "tragelaph," or goat-stag, a fantastic creature, and again he speaks of it as a "rhapsodical drama." In 1797 he found some of the early prose scenes "quite intolerable in their naturalness," and proposed to put them into rhyme, which he did in every case but one.

In its general outlines the genesis of the work seems to have been somewhat this.<sup>1</sup> The first idea of the drama, he tells us, came to him in 1769. It is not probable that he began writing on it till 1773, though some prose scenes may date back to the preceding year. It was then known among his friends that he was engaged on the work and they evidently expected something to out-herod "Götz" in dramatic heresy of Storm and Stress.<sup>2</sup> It continued to be his favorite theme till he went to Weimar in 1775. But he worked on isolated scenes only, and probably had not thought out their connection. This seems the more likely as we study the character of a copy made from Goethe's manuscript soon after he went to Weimar by a lady of the court, Luise von Göchhausen, which was discovered in 1887, and has since been published by the distinguished Goethe scholar, Erich Schmid.

We have here twenty scenes of mingled prose and verse giving the episode of Gretchen substantially as we now find it, but with a fragmentary introduction, from which still unfinished scenes were probably withheld, for it does not seem that Goethe added materially to "Faust" between his coming to Weimar, in 1775, and the eve of his return from Italy, in 1788, when, writing to Karl August from Rome, he announces that he "has made the plan of Faust," having "rediscovered the thread" and written a new

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<sup>1</sup> Thomas, *Goethe's Faust*, Vol. I., Introduction, gives a condensed statement of the present state of criticism on the First Part of Faust.

<sup>2</sup> "Schick' mir dafür den Dr. Faust, Sobald dein Kopf ihn ausgebraust," writes Gotter to Goethe in July, 1773.

scene, the "Witches' Kitchen," as an attempt to bridge that chasm between the early portions and the Gretchen episode which existed in the Göchhausen stage of the drama. But, as Thomas observes, "Goethe will find that the old thread is worthless and that he must discover a new one." This seems to have dampened his ardor once more. Little was done in 1789, and only the promise of "Faust" for a complete edition of his works led him to publish it as "A Fragment" in 1790, from which no doubt he still kept back unfinished scenes.

The date will explain why the Fragment attracted comparatively little attention. All eyes were turned to France in this second year of the Revolution. Schiller however saw in it the "torso of a Hercules," and repeatedly urged Goethe to resume his work on it, though without response until June, 1797, when the elder poet writes: "Our ballad study has led me again to this misty, cloudy path," so that he is prepared to console himself for his disappointment in regard to a proposed Italian journey, in that "world of symbol, idea, and fog." To this end he tells Schiller that he has planned to finish up what is already begun and "fit it to what has been printed." He proposes, he says, "to take things easily in this barbarous composition, striving to touch, rather than to satisfy the highest demands. "The whole," he is convinced, "will always remain a fragment," for Goethe was now in his most classical period, and more distant from the essentially Teutonic conception of the then existing scenes than he became after Schiller's death.

It is therefore no wonder that "Faust" progressed slowly, and that the poet turned from ordering the earlier portions to working on the hint of the old legend that connected Faust with Helena, or, as it would immediately present itself to Goethe's mind, the Teutonic with the Hellenic spirit. But, as appears from the Correspondence of 1800, he had reserved the development of this idea for a second part. It was not till 1808 that the First Part appeared in its present form, final but still incomplete and incongruous. This

incongruity will best appear if we follow the course of its twenty-five scenes.

The poem opens with a prelude in which a Poet, a Manager, and a Merry-Andrew, exchange their views on the conditions of the German stage and of theatrical success. We have then a Prologue in Heaven, where God and the devil are introduced with the naïveté of Hans Sachs. In this Prologue we are told, on the very highest authority, that Faust is God's servant. His service is indeed momentarily "confused," but God will bring him in due time to "clearness." Still, since man is prone to err as long as he strives, God is willing that Mephistopheles should tempt him if he will. Thus the reader or auditor is assured at the very outset that Faust will be saved. Indeed Goethe's Mephistopheles tells the attentive reader that he cares less to win Faust's soul than to prove that he is right in his materialistic and pessimistic view of life. The point of interest is therefore no longer: What will become of Faust?, but how this "clearness" is to come to him; and the action is thus raised wholly out of the sphere of Marlowe's tragedy of sin and damnation to a serener ethical plane. But the reader should not forget that this Prologue was written after Goethe himself had come to greater clearness about his intentions than when most of the First Part was composed.

The play opens with Faust in his study. He is apparently an old man though he has been professor but ten years. He has studied every profession and is profoundly discouraged at the narrow scope of the human mind. He even contemplates suicide; for magic, though it had enabled him to conjure the spirit world, had not given him power to comprehend or control it. The carols of Easter morning bring him back to a healthier frame of mind, and we next find him with his *famulus*, the narrowly contented scholar Wagner, who, like Hanswurst in the earlier drama, is the philistine antitype of Faust, mingling with the people on a spring holiday, but escaping at length from what he knows to be their unmerited gratitude for his medical aid in the pestilence.

As they walk together and Faust speaks of his longings, they are met by a black dog whom Faust takes to his study, where after some hocus-pocus the dog reveals himself as the diabolical spirit Mephistopheles, for the moment dressed as a wandering scholar, who announces himself as "a part of that force which always wills the ill and always works the good," or again as "the spirit that denies," whose "element is what you call sin, destruction, evil," and that, because "all that exists is worthy of perishing." In so far, then, Mephistopheles is a sort of Nihilist. His attendant spirits lull Faust to sleep in exquisite dimeters and on his awaking he has become disposed to sign a compact by which, if the spirit can satisfy him, he may have him. "When on an idler's bed I stretch myself in quiet, There let at once my record end. Canst thou with lying flattery rule me, Until self-pleased myself I see, — Canst thou with rich enjoyment fool me, Let that day be the last for me."<sup>1</sup> But this, as appears from the Prologue, means nothing more than that he will then be driven to admit that Mephistopheles' pessimism is justified. Faust signs the compact with his blood, and after Mephistopheles has given cynical advice to a young scholar on his choice of a profession, he begins his task by introducing his master to an orgy of student debauchery in Auerbach's wine cellar in Leipzig.

The scene that follows is vivid and, alas, not untrue to student nature, though the reader will sympathize with Faust in the disgust it aroused in him. He was not to be satisfied with such chaff. It lay in the natural sequence of things that the obsequious devil should now shift from gluttony to lust. But at this point Goethe found a personal experience to embody, and thus there was developed a drama within a drama that so outgrew its subordinate place as to seem to many the central point of the entire work, as it is of the First Part. It is the Gretchen episode that for a time absorbs the poet's entire interest.

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<sup>1</sup> The metrical citations of the First Part are from Taylor's translation.



It was essential for the drama that Faust should not wholly reject these untried attractions of sensual love. But in yielding he must carry our sympathy with him, since the Prologue has told us, what indeed must from the first have been clear, in the very nature of the case and from the character of the author, that Faust is to be brought by his trials to "clearness" and not to moral ruin. This Goethe sought to accomplish by the "Witches' Kitchen," where a rejuvenating potion is given to Faust, which, as Mephistopheles tells the spectators aside, is a love potion also. Helena, the ideal of womanly beauty, is shown him in a glass and "with this drink in his veins, he shall soon see Helena in every woman." But, after all, this attempt to enlist our sympathy for Faust the seducer, with his rather childish "I must," was not, perhaps could hardly be, successful, and it was probably the consciousness of this that made Goethe speak so slightly of the work at this stage in letters to Schiller. As for the Apes' mysterious talk in this scene of the "Witches' Kitchen," Goethe afterward spoke of it as "dramatic-humoristic nonsense," and barring the "humorous," we may take his word for it. It is wholly impertinent to the main action of the play.

With scene vii. and Gretchen we pass into a quite different atmosphere. Mephistopheles does little more than a cynical friend might do. The action is now no longer guided by the old play or puppet-show but by Goethe's recollections of Leipzig and Sesenheim. It is the theme treated already in "*Götz*," in "*Clavigo*," in "*Egmont*," the love of a girl of lower culture and station for a man socially and intellectually her superior, though morally, if not inferior, at least more complex. The whole episode, in its delineation of character, and in its tragic development, is a masterpiece hardly equalled, save by Shakspeare, in the range of literature. It is thoroughly popular, universally comprehensible, and thus it fixed itself immediately in the public mind as *the* Faust drama, while the higher unity of the whole was perceived only by the thoughtful few.

The episode, for such it is essentially, though artistically complete in itself, opens with the meeting of Faust and Gretchen as she leaves the church. With the boldness of a gallant adventurer he offers her his escort, which she refuses as a girl of the middle class might do, resolutely, but without indignation, and in a language that marks at the very outset her lack of culture. Here and throughout she is a girl of the people. She has the faults common to her class in Germany and elsewhere; she is inclined to sentimentality, fond of dress and ornament, but yet she is industrious, neat, and with the motherly instinct natural in a simple child of nature. Faust, thanks we must suppose rather to the witch's potion than to any peculiar elective affinity between his nature and hers, is fascinated by her and demands Mephistopheles' aid to win her. But his diabolical arts would fail here. "I have no power over souls so green," he says contemptuously, while the facile Faust thinks: "had he but seven hours he could win her by his own persuasion," and would have no need of the devil. Mephistopheles is pledged to help him but, save for certain buried treasures which he unearths, he resorts only to ordinary means of seduction. We have left for the moment mediæval witchcraft for modern naturalism.

The next scene (viii.) takes us to Gretchen's "small but neatly kept chamber," where, as she braids her hair, she muses, a little flattered by the attentions of a gallant, who "would not have been so bold if he had not been of noble family." Presently she goes out, and Mephistopheles nurses Faust's passion by bringing him to this sanctuary of maidenhood where each feels and speaks according to his nature, Faust as a lover, Mephistopheles as a cynical sensualist. They leave a casket of jewelry in her clothes-press. Gretchen returns and with the instinct of innocence notes the sultry air, and feels a dim foreboding. She finds the casket and, without much questioning whence it came, she is carried away by the contents. She decks herself with the ornaments and talks the while with a childlike pathos of the dis-

advantages of a poor girl in this worldly world. "To gold still tends, On gold depends, All, all! Alas! we poor."

The ground being thus prepared, the willing go-between is found in the shape of neighbor Martha, whose prudent flirtation with the cautious Mephistopheles forms a powerful foil in the ardent passion of Faust and the budding love of Gretchen. Tender feelings that might purify Faust's love are for the moment shipwrecked on the cynical promptings of his ally (xi.) In Martha's garden they meet, and Faust wins the promise of her love in two exquisite scenes (xii., xiii.), skillfully set off by the recurring bits of dialogue between Martha and Mephistopheles, as each couple in turn is brought before the audience.

There follows a scene (xiv.) which in its present place involves a contradiction, when viewed in the light of the last scene of the Second Part. Originally it had been placed much later and after Gretchen had long given all she had to give. In his youth and up to the period of his union with Schiller, Goethe was willing to let Faust's relation to Gretchen continue until broken by an unwelcome interruption. In old age, he found symbolical use for Gretchen and wished to make her appear as one: "Who had forgot herself but once, Who dreamed not that she erred." It then became necessary to cancel this scene or change its place, which leaves it, as is usual in such revisions, out of place. This scene is entitled "*Forest and Cavern*," and shows Faust in a gloomy mood. He has torn himself away from Gretchen, as the boy Goethe is said to have done from his first unhappy passion, and sought refuge in the bosom of nature. Now such moods are not apt to intervene between the promise and the fulfillment of love, and Mephistopheles in painting the longing of the deserted Gretchen has an easy victory, hardly requiring the consummate skill with which he presents his temptation. In its original place and with the original assumption of a prolonged relation, the scene would have had a far deeper note of moral tragedy.

After an exquisite song in which Gretchen expresses her

love-longing (xv.) there follows a second scene in Martha's garden where Gretchen naïvely questions Faust of his religious faith and gets an answer which is the poetry of pantheism, and wholly outside the sphere of her intellect. It is interesting to see how clearly in a few speeches Goethe has placed the religious instinct in contrast to speculative theology, neither comprehending the other, the lower yielding to the higher, but not without moral loss. Gretchen instinctively shrinks from Mephistopheles, but for Faust she will give her mother a sleeping potion, a poison with which Mephistopheles has provided him, that they may love undisturbed; for in him whom she loves the simple Gretchen can conceive no harm.

No long interval can intervene between the first and second "Garden" scenes (xii., xvi.), for the "Forest and Cavern" (xiv.) was apparently intended to represent no more than such an excursion as the boy Goethe was wont to make with his tutor in Frankfort, as he has told us in "*Wahrheit and Dichtung*." The first interview (xii.) had been in the time of the flowering daisies, perhaps in April, for it must have been after Easter and before May 1st, the Walpurgis-Night that is to follow.<sup>1</sup> But in the scene that follows the second meeting, "At the Fountain", (xvii.), Gretchen has already fallen. Her prayer in the "Donjon" scene (xviii.) shows that she is conscious of approaching motherhood and is already abandoned, and when her brother Valentin is introduced and killed by Faust in scene xix. her condition has become common talk; yet this, as we learn from that very scene, was on the 29th of April.

Then, too, it will be noted that in no one of these scenes is the death of Gretchen's mother from the potion mentioned or assumed, or indeed reconcilable with what is said, though if, as is stated in the Second Part, Gretchen erred but once,

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<sup>1</sup> This cannot be the Walpurgis-Night of the next year because Valentin is killed two days before the Walpurgis and also before Gretchen's child is born, but, as will appear, a satisfactory chronology has become hopeless. How this came about is clearly stated by Thomas, l. c. 324.



this death must have already taken place and it is, in fact, mentioned in the "Cathedral Scene" (xx.) that follows. All this has come, like the previous trouble with "Forest and Cavern" (xiv.) from the changed conception of Faust's connection with Gretchen, at first conceived as a lasting liaison in which the mother's death is to be caused by the growing recklessness of Gretchen's absorbing passion, but afterward as a momentary aberration, as of a magnetic needle that turned immediately back to its celestial pole.

The scenes "At the Fountain" and "Donjon" (xvii., xviii.) show first how sin in Gretchen's gentle nature fills the heart with tender and pathetic sympathy for fellow-sinners, then the penitent turns in impassioned prayer to the sorrow-laden Virgin-Mother, her soul recovering its purity and gaining infinite depth by its acquaintance with sorrow and pain. This scene, even though originally intended to allude to Gretchen's repentance for her mother's death and afterward changed in its intention, might surely imply that Gretchen was abandoned. She speaks in the preceding scene (xvii.) of Faust in the past tense, and indeed it is difficult to conceive that such feelings as she utters there could coexist with their former relation. But yet in "Night" (xix.), the scene that follows these, Faust is disturbed at the thought of going to see his mistress (*Buhle*) without a gift, and Gretchen must surely be meant.

It was important to Mephistopheles' purpose, however, that Faust should not be present at the crisis that was now approaching in Gretchen's fate. Hence Valentin, her brother, was introduced, first that by publicly proclaiming her fault he might plunge her deeper into purifying shame; second that by killing him and so depriving her of the only relative to whom she could look for help, Faust might intensify his guilt and the final catastrophe be justified; and, lastly, that in order to escape from the consequences of this murder, Faust might be compelled to leave the city and therefore to abandon Gretchen. "Night," then, belongs to an earlier plan than the two preceding scenes. And the con-

ceptions were never satisfactorily reconciled. If Faust had already abandoned Gretchen, as those scenes presuppose, the Valentin episode would be unnecessary, and the "Cathedral Scene" which succeeds might appropriately follow Gretchen's prayer (xviii.). But the character of Valentin has a vigor and clearness of conception that gives enduring life.

The "Cathedral Scene" (xx.) with its funeral sequence, *Dies Irae*, was originally headed "Obsequies of Gretchen's Mother." As the verses of the Judgment Hymn resound in the penitent's ear, an evil spirit whispers to Gretchen thoughts of despair, and she falls fainting in the passion of her purgation, at the thought that "the glorified turn their faces from her." This scene in its present position must fall in the Autumn, though, if Gretchen "erred but once" and this single error was the occasion of her mother's death, it must have taken place in April, and such is the assumption of the scene that immediately follows.

For the tension of the tragedy, which has here become intense, is now broken by the witches' carnival on Walpurgis Night (May 1st). One may justify the introduction of such a scene on ironical grounds, as Heine does in the case of Shakspeare's clowns, but the scene is too long for this purpose, and wholly foreign matter dealing with the personal and literary controversies of the time has been wantonly intruded in "Oberon's Wedding." Nothing connects the traditional Faust with the Walpurgis Carnival, though he was brought by the legend to the Brocken, the peak of the Harz on which it took place. But this is purely indifferent. We are here transferred from the modern realism of the Gretchen episode to the mediæval atmosphere of the early scenes, and the Faust who meets us here, singing with will-o'-the-wisps, dancing with witches, enjoying the wild rout and Rabelaisian wit, is not the Faust who loved Gretchen nor he who killed Valentin. This, too, like the "Witches' Kitchen" was "dramatic-humorous nonsense," we have Goethe's word for it, and here the humor is not lacking, if

one does not insist too anxiously on sense. Goethe wrote it in 1800, and as late as 1830 he still rejoiced in it. "Really," he said to Falk, "one ought to play the joke oftener in one's youth and give 'em such bits (*Brocken*) as the *Brocken*."

An interruption in the course of the drama was justified, for fate was hurrying it to a close. We are brought back to the tragic mood by the scene named "Dreary Day." Some interval has elapsed, Faust has not seen Gretchen again, and is now far away when startled by the news, which comes to him we know not whence,<sup>1</sup> that Gretchen has been a wretched outcast and is now an accused prisoner, or rather, as appears later, convicted of infanticide and destined to execution. This is one of those prose scenes that Goethe in 1798 had found "intolerable in comparison with the rest" and had not succeeded in versifying. It is strong, but the extravagance of the language smacks of "Storm and Stress." Faust insists on being taken to her cell that they may attempt her rescue, and on magic horses they urge their nightly flight, while beneath a gallows, witches soar and sweep, bow and bend, scatter, devote and doom.

And so we are brought to the climax of Gretchen's prison cell. Her mind is shaken by grief and the misery of her lot. Her tragic madness suggests Ophelia's and perhaps surpasses its model. Faust finds her lying on the straw, singing words of an old song, which she turns to apply to her dead child. She takes her lover for her jailer and pleads pathetically with him. Now she asks for her child, now imagines hell beneath her prison. At last she recognizes Faust and half-incoherently recalls the course of their love. She clings to him with tenderest passion, but she will not fly, "it is so wretched to beg, and with a bad conscience beside." Suddenly she remembers that the child is drowned and cries to Faust to haste to save it for it still quivers, or she tells him how she will be buried with her mother and

<sup>1</sup> It had been proposed to reveal it to him on the *Brocken*, but the intention was not realized.

brother, a little aside, the baby on her right breast, alone, for she can no longer feel a perfect sympathy even with her lover.

"It seems as though you repelled me," she cries, "and yet 't is you, and you look so kind and good." This is noteworthy. She cannot unite herself with Faust again because she has gone through a stage of spiritual development that separates her from him. When at the close of the Second Part, Gretchen is bidden to rise to higher regions that if Faust dimly comprehend her, he may follow, the clue is given to the reason why she has this feeling here. And thus every tragic element is combined to deepen Faust's agony. At last Mephistopheles warns him that day is dawning. Gretchen shrinks in terror from that unspiritual spirit, and when Faust, a last time, urges her to fly, she commits herself rather to the judgment of God, her last breath a prayer, and the last quiver of life a shudder for her lover. "She is judged," says Mephistopheles. But Faust is not to be left in this error. A voice from above proclaims: "Is saved," and, as her appealing voice, calling him, dies away, Mephistopheles, snatching Faust to his side, vanishes.

So closes the First Part and with it the microcosmic portion of Faust's experience, which has come to take a larger place than its function in the general plan would make artistically justifiable. But rules of proportion, and indeed of formal criticism in general, cannot be applied to Faust as a whole. What has given the First Part its pre-eminent place in German literature, at least in the popular consciousness, is in part the gnomic wisdom of Mephistopheles, which takes up and embodies a view of the world and of life which all recognize and too many share; but, more even than that, it is the unique portrayal of guilty innocence and betrayed simplicity in the drama of Gretchen's fall and purgation through suffering.

The Second Part of "Faust," in bringing us to the greater world and its wider activities, follows more closely in its outline the old legend. Magic resumes its sway and the whole becomes more spectacular and operatic. A thread of



esoteric meaning, or rather, perhaps, many threads, can be traced through all, now plainly in sight, now masked almost completely from view; sometimes because they deal with a state of feeling and political conditions that are no longer present to our minds, sometimes because various allegorical interpretations run for a time side by side and at last become inextricably involved, sometimes too because, as occasionally in the First Part, the poet with wanton irony mystifies his readers.

To follow out and interpret, as far as may be, the endless complications of these parabolical types and personifications is the duty of special commentators of whom there is no lack, for during the last twenty years and more, critical attention has been directed in an increasing measure to the "*Faust*" as a whole, to its ethical and philosophical, rather than to its literary and æsthetic content. Nor will this be thought unnatural when it is considered that the present generation of readers is losing that delicate sense of form that finds its best illustration in the Germans, Heine and Platen, and their French contemporaries, Gautier, Flaubert, and the Parnassians. Men care little to-day for art for art's sake. The true is in danger of being divorced from the beautiful, a danger indicated by the overshadowing position of Ibsen. It is precisely the age in which we should look for a revival of interest in "*Faust*" as a whole, as distinct from the artistically admirable episodes of Gretchen and Helena.

No analysis of the Second Part of "*Faust*" can bring out its manifold beauties, but it is necessary to recall the sequence or rather succession of scenes to justify any judgment of the drama as a work of art, in which all the parts, to be fitly joined together, must be in due proportion to each other and to the whole.

The close of the tragedy of Gretchen should have left Faust crushed with guilty despair. The Second Part finds him "bedded on flowery turf, tired, restless, seeking sleep," while graceful little spirits, accompanied by Æolian harps, sing soothing strains. The purpose of their song is "to

calm the fierce struggle of the heart, to remove the bitter glowing arrows of reproach and purify his breast from the horror it has experienced." They will "bathe him in dew from Lethe's flood and give him back to holy light." Thus Faust is prepared to enter on the new experiences of the Second Part, and at the same time it is made very clear that, to Goethe, action, not penitential brooding, is to be the means by which Faust is to overgrow the wounds of his soul's fault and be brought to "clearness." And so we are already prepared to find that, in submitting Gretchen to Faust, Mephistopheles has realized his own saying, he has "willed the ill and wrought the good." Faust is stronger, wiser, deeper, for having known Gretchen, but she is to him as the *roses d'antan*, and he looks forward, not back, until at the very close, the circle of his life is joined and the beginning meets the end. Such seems to be the ethical import of the introductory scene, darkened a little toward the close by interwoven allusions to Goethe's theory of colors. A considerable part of this prelude, as indeed of the whole Second Part, is operatic in character.

The spectator is now transported to the palace of an Emperor, who is here represented as a frivolous and incompetent ruler, perhaps that he may the more require the aid of Faust's magic arts, and the more freely grant him scope for future activity. But it is hard to win much interest for services that cost only the wave of a magician's wand and serve only to atone for the results of incompetence. Hence the scenes at the imperial court, here and in the Fourth Act, are æsthetically the least pleasing.

We learn first that extravagance has brought want in all quarters of the empire. Then Mephistopheles, who has introduced himself as court-fool, offers to relieve the embarrassment by means of countless buried treasures, the property of the crown. But from the question how he is to recover them the emperor turns gladly to a carnival which in the main is also of Mephistopheles' preparation. Commentators say that the buried treasure is undiscovered know-

ledge, but it is difficult to carry the allegory through in this sense.

In the course of the operatic revels a chariot appears bearing Faust as Plutus, god of material, and here at least of intellectual, wealth, driven by a youth who seems to allegorize the ideal use of these gifts, but who is also intended, as Goethe told Eckermann, to represent Faust's future son Euphorion, though why this should be is not clear. Mephistopheles follows them as Avarice. Together they come to the throne of Pan, the emperor, who in this allegorical capacity signs a treasury note, which when multiplied indefinitely gives a paper currency secured by yet undiscovered wealth. Perhaps this may stand for those metaphysical speculations based on the unknowable in which many Germans were then rejoicing as in an intellectual fool's paradise. Beside this, however, there is a direct satire on the use and abuse of paper money itself, especially toward the close of the episode.

Pleased with his imaginary riches, the emperor wishes to be amused. He demands that Helena and Paris, types of ideal man and womanhood, be conjured up before him. That is, wealth, material and intellectual, arouses the desire for culture, of which Greek culture is the universal type and model. But over this classic realm of the beautiful Mephistopheles, the demon of an ascetic and supernatural religion, has no power. He turns to Faust and bids him descend to the Mothers who dwell in the nether world, the incomprehensible creators of the ideal. Yet Mephistopheles, though he cannot seek the ideal himself, can give Faust a key to guide him; and this key grows in his hand, burns bright, and gives new strength and courage, though when Faust vanishes with it Mephistopheles utters a sneering doubt whether he will ever return from his quest. The Key seems to be enthusiasm, by which alone the ideal is revealed, but which may become destructive unless he who holds it in his hand stand firm on reality.

A scene of strong satire on the petty German courts now

intervenes to give space for Faust's search, but he returns at length with power to summon the Trojan Paris, on whom the courtiers comment each after his kind. Helena then appears. She does not attract Mephistopheles, for Greek beauty is not, like this demon of Northern fancy, the sensuous negation of mediæval asceticism, but is outside of it and incomprehensible to it. Nor can the courtiers comprehend her charm. But Faust's past life has attuned his mind to thrill responsive to this new vision of beauty. With overwhelmed longing he endeavors to grasp it, crying: "Who-e'er has seen her, cannot bear her loss." But the Greek spirit is still too foreign for his Teutonic mind. She vanishes, and he lies fainting, to be borne away by Mephistopheles. The close of this first act, the "Key", the "Mothers," and "Helena," is all that is essential to the ethical thesis of "Faust."

The Second Act opens in Faust's study, where he still lies in a swoon while the conversation of Mephistopheles with a famulus, with Wagner, now a famous professor and physician, and with a skeptical bachelor, once the student whom Mephistopheles had counselled, brings before us the conceptions of metaphysics, æsthetics, and ideal culture that might be contending in Faust's mind; all not without pointed satire at the conceited self-assurance of Young Germany and the metaphysicians of 1820

Wagner has made chemically an Homunculus, but since he cannot give his little man a body, he must stay sealed in the flask where he was created. This Homunculus is clearly the artificial conception of the ideal that comes not from the experience of life but from study. It, too, as well as Faust, has Greek aspirations and therefore it seeks to draw its parent to classic ground. Suddenly it escapes from Wagner's hand, hovers over the head of Faust and reveals the course of the sleeper's mind as his soul gradually accustoms itself to the Greek view of life and happiness, the view, it may be added, of Goethe's "Roman Elegies." But the Homunculus is a student's creation, and the classical



life that he seeks is found in the shadowy visions of Pharsalia's Walpurgis-Night, whither he counsels that Faust be taken. Of this classic carnival Mephistopheles has heard nothing. "How should you?" says Homunculus. "You know romantic ghosts alone. A genuine ghost, that must be classic, too." Though Mephistopheles dreads the Greeks who "entice man's breast to bright sins, so that ours seem gloomy beside them", yet the temptation of Thessalian witches overcomes his repulsion, and they all follow the Homunculus, dependent, as Mephistopheles pregnantly observes, "on creatures we ourselves have made."

The Classical Walpurgis-Night has little direct connection with the course of Faust's development. Seeking everywhere Helena, he is borne, as one insane, to Mantho for his cure, but she "loves the man who seeks the unattainable", and directs him to Persephoneia's realm. Of this journey, however, we hear no more, nor is it made clear by what means Helena is brought to the upper world. But, aside from this, the scene serves a useful purpose in bringing the reader or spectator to a classical frame of mind by the introduction of the various ideals of antiquity that are here brought before him. Mephistopheles, counselled by the Sphinx and teased by the Lamiaë, feels first at home with the personified ugliness of the Phorkyades, while Homunculus, in his zeal to obtain incorporation, loses himself among the philosophers, to be dashed to pieces at last against Galatea's throne, who is herself that realized ideal of which he was the scholar's reflection. To follow out these allegorical threads in all their twisted windings would perhaps go beyond the poet's intention, for he has clearly laid them aside himself to weave into this scene an allegorized debate between Anaxagoras and Thales, the former representing those who held the volcanic origin of the earth and opposed the investigations of the "Neptunists", among whom Goethe, who speaks here under Thales' mask, reckoned himself a leader. And so important does this second allegory become in the mind of the poet that he al-

lows the Classical Walpurgis-Night to close with an operatic scene on the Ægean Sea, where sirens, nereids, and tritons, with Nereus, Proteus, and Thales, sing the praises of the sea and the triumph of the sea-born Galatea, while we are left uncertain how or why Helena is brought to the upper world.

For the opening of the Third Act finds her with a chorus of captured Trojan women before Menelaus' palace in Sparta, anxiously veiling from her own eyes the memory of all that has intervened since Paris carried her away, as though, perhaps, this were a condition of her return from the under world. She thinks herself just landed, sent before by Menelaus to prepare a sacrifice. With her is Me- phistopheles, disguised as Phorkyas, type of ugliness, a servile contrast to Helena's queenly beauty and bearing. Through Phorkyas she learns that she is the destined victim of Menelaus' jealous rage. This signifies that the political jealousy of Greece destroyed its culture and its art. Though willing to die calmly, Helena does not disdain the proffered protection of a settlement of Northmen in the hills just north of Sparta, "made some twenty years ago", a hint that tells us exactly what is meant, for if we count back twenty years from 1808, when this scene was completed, we have the date of Goethe's return to Germany from Rome (1788) with all the wonderful results of that journey for him and for the culture of his country. Faust, the leader of this bold and venturesome band, is praised by Phorkyas as of a gentler nature than the Greeks, which seems an allusion to the christian element in modern civilization, and his fortress-palace is made to typify Gothic art. To bring Helena to Faust's palace is to bring Greek ideals to Germany, while, of course, here as before, in the details there is much that may be explained in this way, or in that, or more wisely, sometimes, in no way at all.

For such a man as Goethe, to know Greek art was to make it a part, an inseparable part, of his artistic being; and Greek art found in him a protector who yet preserved

his German nature. And so in the drama Faust and Helena need for their union no long wooing, though in the brief play of its delicate fancies, Faust teaches her the unwonted German rhyme, into which the chorus falls a little later, after Faust has taken his bride to the peaceful retreat of Arcadia. Here a child is born to them, Euphorion, whom Goethe told Eckermann (December 20, 1829) was the personification of Poetry, who had appeared, also, as has been said, in another form in the First Act. But there is something in the manner of Goethe's announcement that suggests mystification, and it is very clear that at the close of his brief career, Euphorion is but a thin mask for Lord Byron.

All of what is said by and of Euphorion seems consistent with no interpretation that has yet been suggested by the commentators, but still the essential elements of the episode embody a profound æsthetic truth. Euphorion is introduced as a naked genius, without wings, faunlike but not animal, springing higher and higher from the ground, while his mother cautions him that he may leap but not fly, and, like Antæus, will gain strength by touching earth. The German Faust at first is less disturbed, than his Grecian spouse at these soaring leaps, but Euphorion's flight is ever wilder, more unrestrained, until at last he falls like Icarus, dead at his parents' feet, and disappears in light, leaving behind his mantle and lyre and calling on his mother to follow. The fire and throbbing energy of this scene are indescribable, and the threnody to Lord Byron with which the chorus bewails Euphorion's death is a sympathetic and discriminating tribute of exquisite beauty. Helena follows the summons of her son, and having embraced Faust, she vanishes, leaving her garment and veil in his arms. They dissolve into clouds, lift Faust, and bear him away.

Here the essential allegory seems to be that a perfect and fruitful union between modern and classic life is impossible. It produces an idealism that destroys itself because it is not in touch with the actualities of our life. Therefore Eu-

phorion perishes and therefore Helena must return to the shades. But she leaves behind her all that we can take up into our modern life of the classic ideals, the Garment, that is "love of beauty," especially in artistic form. Hence Phorkyas, falling a moment from Mephistopheles' rôle, bids Faust :

Hold fast to what remains to thee of all,  
The garment! Leave it not; for demons pluck  
Already at its skirts, and to the underworld  
Would drag it gladly. Cling the faster to it.

Above all commonplace it lifts thee up  
Upon the air, long as thou canst endure.

It is, then, through the Greek view of life that Faust is to gain the foundation for his future experience, and this foundation is to be a practical idealism. The influence of Helena on Faust is that he no longer gazes in the stars while his feet are in the mire. He will from this time look more about him than above him. He will still strive, but his activity<sup>1</sup> will be in this world and for his fellow men. It is not, then, merely æsthetic teaching that Helena has for Faust, but a profoundly ethical one, and one of sufficient importance to the drama to make the subordinate and introductory position of the First and Second Acts artistically justifiable. The Fourth Act, so far as it concerns the main theme, exists only to make the Fifth possible, and this in turn is only putting into action the ethics of the "Helena," which is thus the cardinal point of the whole. How this fact accounts for the long comparative neglect and present growing appreciation for the Second Part will appear presently.

The Fourth Act shows us Faust on a mountain, full of life and energy which draw their inspiration from classical memories. His ambition is now useful labor. He wishes to redeem broad tracts of land for settlement from the destroying ocean. That he may gain imperial aid and sanction in this project, Mephistopheles proposes that he

<sup>1</sup> Let him to whom this seems strange read what Goethe says to Eckermann on thoughts of immortality, Feb. 25, 1824.



should assist the emperor, now engaged in hopeless war with rebellious vassals. All this has no other dramaturgical purpose than to introduce the activities of the Fifth Act. It serves, however, as the vehicle of much political satire, of which the general tendency is that government should be left to those who make it their business to govern.<sup>1</sup> This act was the last written and shows clear traces of old age. It is incomplete also. The scene in which Faust receives the reward of his magical aid, in a cause for which, again, it is hard to feel much sympathy, was not written when Goethe sealed the manuscript in August, 1831.

The Fifth Act shows Faust's ambition in good part realized. He is now a century old.<sup>2</sup> He has compelled the evil spirits to his service, and trade and agriculture flourish in spite of their perversity. He is impatient of opposition, however, and has still to learn moderation in prosecuting a good cause. This lesson is taught him by Mephistopheles' officious murder of Baucis and Philemon, whose small possession was a thorn to his unsatiated desire. Once more that cynical spirit has "willed the ill and wrought the good." And now the end draws on. Want, Guilt, Need, and Care, approach his palace. Care alone can enter, and under her breath Faust grows blind, but she cannot touch him, although he refuses from henceforth magic aid. The four depart, but Death appears. Faust sees him not, but in his blindness he urges on his unselfish task, to provide dwellings which will prove for men a doubly precious possession, because they must be maintained by constant effort against the encroaching sea. He thinks he hears the busy spades of his laborers, but they are the Lemures who dig his grave. With the vision of his accomplished purpose before his sinking eyes, he enjoys even now, in anticipation, that highest moment in which he could say to the present:

<sup>1</sup> Compare Eckermann, March, 1832, toward the end of the second volume, where among much else in the same spirit, Goethe says: "I hate bungling like sin, especially bungling in politics, from which nothing but evil for thousands and millions can come."

<sup>2</sup> See Eckermann, June 6, 1831.

"Ah! linger still, thou art fair". And so he dies and is laid in the grave.

There follows a fantastic scene in which Mephistopheles and his attendant spirits endeavor to prevent the escape of the soul from Faust's body. This cynical degradation of the ideal is interrupted by a heavenly choir and a glory shining from above. For a time these strains of mystic beauty alternate with Mephistopheles' sensuous animalism. But the roses of penitence that the angels strew, burn and scatter the demons, and, in a moment when Mephistopheles is distracted by the sensuous charms of certain angel boys, Faust's soul escapes him. This scene is essentially operatic, and that which concludes the drama can hardly be conceived without a musical accompaniment. A chorus of blessed children and various typical figures of the mediæval church, the Ecstatic, the Profound, the Seraphic Father, here conceived as anchorites, sing celestial hymns. Then the "younger," and the "more perfect" angels take up the strain; and from the highest, purest, of the hermit cells, the "Marian Doctor" hails the advent of Mary, the Merciful, surrounded by her penitents.

By turns and together, the Woman who washed the Lord's feet with ointment, the Woman of Samaria and the Egyptian Mary beg the Blessed Virgin's pardon for "this good soul, that forgot itself but once, and thought not that it erred." And now first since the close of her tragic life, Gretchen appears and, in a stanza that suggests her impassioned prayer to the Blessed Virgin in the First Part (xviii.), she begs that Mary will bend her countenance graciously on her joy since "the early love brought to 'clearness' at last, returns again". "Grant me to teach him. The new day blinds him still". But Mary answers: "Rise to higher spheres. If he dimly apprehend you, he will follow". And the mystic chorus concludes with those well known words: "The eternal-womanly draws us upward and on".

In this gnomic saying we ought to find, if Goethe is serious with us, the key to all. What, then, is "eternally

womanly", and who are meant by "us", human beings, or men as distinct from women? Was it this "eternally womanly" that drew Gretchen upward, or was it not rather the eternal manly? This, at least, will afford us a clear interpretation to that last word of the mystical drama. If by "us" we understand "men", then the "eternal" essential element in women that draws "us" is "love," but this love is, in its essence, unselfish, altruistic, fruitful, and hence the teaching of the drama is here proclaimed to be that we rise, or are raised, by altruistic effort.<sup>1</sup>

As Scherer has observed,<sup>2</sup> Faust "chooses not wealth but work," and in that work finds his "salvation". To this choice he is brought, mediately by Gretchen, immediately by Helena, for beauty is positive, creative, and so here, as in life contrasted with the ugly, the evil, the negative, as it appears in Mephistopheles-Phorkyas. It is Helena that reveals to Faust the worth of life, of this life, and so frees him from the spirit that denies. Both pass from a sensitive, groping, contemplative, searching, æsthetic existence, under the spur of negative spirits and ideal models, to active, useful labor. In both Goethe puts unselfish activity above the claims of æsthetics or learning. He does not let his poet and actor, nor yet his groping student, find satisfaction. He calls to them: "You must act, work". The greatest representative of German poetry, a many-sided and successful investigator, bows before practical life. He does not look longingly over into strange regions, conscious of his own weakness. No! He knows the practical world, has been of it, has worked successfully in it, and yet has left it. He recommends in his poem what he neglected in his life. Thus "Faust" expressed in a time that was poor in noble deeds the

<sup>1</sup> If love is selfish, the result, as Bleibtreu cynically says, is:

"Das Ewig-weibliche zieht uns herab  
Und wird des männlichen Stolz Grab."

<sup>2</sup> This paragraph is based throughout on, and in part translated from Scherer, *Litteraturgeschichte*, 719, seq., for I have not found it possible to state what I wished without seeming to borrow from him.

longing for heroic action. It echoed the protest of the statesman vom Stein against the excess of metaphysical speculation that had thinned the life-blood of Germany.

But already the tide had turned. The change that Goethe demanded, he lived to see in a fair way to be accomplished, and we have lived to see the real exalted above the ideal, action above thought, perhaps in undue measure. Hence the general popular comprehension of "Faust" as a whole in this period more than ever before, because more than ever before it reflects the popular mind to which as to Faust the "logos" is neither "word," nor "thought," nor "power" but "action."<sup>1</sup> The dangers of such a philosophy of life are obvious, some of them are already realized in the luxury of our hedonists and the socialism and nihilism of our proletariat, but "Faust," if rightly apprehended, offers two poisons, each an antidote of the other, which joined together help and strengthen. Neither Euphorion's idealism that will not touch earth, nor Mephistopheles' realism that will not rise above it, but that just mean, that idealizes the real and realizes the ideal, that is the world-wisdom of "Faust."

B. W. WELLS.

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<sup>1</sup> Part I. Sc. 3. Not *Wort*, nor *Sinn*, nor *Kraft*, but *That*.



## THE CLASSICAL COOK.

The classical cook first appears in the odor of sanctity, for in Trojan days the head of the family or clan discharged, or at least superintended, this household function, since a dinner involved also a sacrifice, and he was the priest. But he might also delegate this duty to his eldest son.<sup>1</sup> Then it was entrusted regularly to some fit member of the clan, who became the orderer of the sacrificial rites; he summoned the guests; he marshalled them according to their rank. Thence sprang the rules of precedence at the feast, the first step to proper table manners. The Dorian *karux*, the summoner to the table, became, as he grew skillful in larger functions, the Ionian *kerux*, the summoner to the Ecclesia. These two offices were at first filled by one person. Later on social needs separated them. Then the *karux* was called the *mageiros*, the grinder. But this early severance of servile mill-toil from the oversight of cooking forced the kneader to become the baker. Thus he became a *magos*, the creator of bewitching effects in foods—a magician. Next, the early processes were left to another, and the skilled *mageiros* held fast only to the seething pot and the stew-pan which he inherited from the ancestral *karux*.

It is clear now why the caldron became the proper utensil for the witch or the wizard. What wonderful changes in art and science are preserved in words! The stately Talthybius, the orderer of the rites at the solemn truce between the Greeks and the Trojans, the herald of chieftains, is the brother of the sacrificial cook, the progenitor of the magician, and the remote ancestor of Friar Bacon. The descent is without a break.

The *mageiros* prided himself upon the dignity of his office. Heroes were his patron deities. The Trojan *chef* sacrificed to Daiton, a name suggesting heroic feasting.

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<sup>1</sup> Ath. xiv., c. 79, quoting Homer.

The Spartan cook—though Lycurgus so pitifully narrowed him to black bread and pea-soup—invoked Matton and Keraon.

But the profession was to rise to higher honor. It furnished to great states monarchs who displayed that constructive ability on the throne which they had developed in the kitchen. Was it not a dictum that the qualities of a great leader were essential to a good cook? Cadmus is a case in point.<sup>1</sup> He was a Phœnician, and the son of King Agenor. By a reverse of fortune he became the *chef* in the royal kitchen at Zidon. It was his office to arrange the little suppers the Princess Harmonia gave her maids of honor. From the resources of the royal kitchen what delicate dishes could he not have prepared! In the prime of his young manhood, he was a noble servitor at those exquisite feasts. It needs no imagination to show forth how he expressed his passion in lovely *plats*; how he molded wondrous shapes, delicate in perfume—odor is too coarse a word—perfect in taste. This subtle blending into one harmonious whole of the most varied viands appealed to her tenderest sympathy. The princely cook seized his opportunity. One morning the breakfast set before the Zidonian King was a failure. Cadmus had disappeared. Two hours later a eunuch from the women's palace hurriedly reported that the Lady Harmonia could not be found. Inquiry at the quay revealed that Cadmus had ordered the fastest fishing-boat to be prepared for a midnight excursion to the fishing grounds.

What wrath and confusion filled the whole palace! The story began to spread. Then it was hushed up by a tale that the Harmonia who had disappeared was a favorite flute-player belonging to the Princess, who was herself so chagrined that she had taken to her bed. When Cadmus heard this, how scornfully he laughed! And this was not the only disaster at the royal palace. The Princess Europa had eloped but a few weeks before, so a clever tale was worked up—how Cadmus was sent to look for her, and,

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<sup>1</sup> Ath. xiv., c. 77.

failing to bring her back, quietly chose not to return, and married a Lady Harmonia of Thebes. The Thebans to this day call this story a myth.

History repeats itself; for does not Mr. Pendennis record how the Chevalier laid siege to the heart of Miss Amory by the very same parallels?

Another cook gives his name to the first properly-dated Olympiad, B. C. 776. The Olympic games were founded by King Iphitus, one hundred and eight years before. But Choræbus the Elian, the *mageiros*, broke the record in the foot-races, and his victory headed the first public registers from which the chronology of all Greece was dated. The name of a Cook stands first in the records of historic times.

But the *mageiros* could claim a still greater dignity.<sup>1</sup> In Athens a free-born citizen belonging to the guild of cooks was "political," and was called a *maison*; while a country-trained cook brought to town, in the service of some rustic *parvenu*, as we see from Aristophanes' report of the case of Strepsiades, was called a *tettix*. A grave guild would naturally select a suitable name, severe and suggestive. But the chirrupy nick-name "grasshopper" humorously hit off the awkwardness of the provincial competitor; yet the *tettix* was complimented, for the best Athenian families bore, on pin and brooch, the insect as a symbol of their patriotic belief that they were sprung from the soil itself.

Since the free-born cook had a right to a seat in the Ecclesia he could enter the Boulé, and could help to cook accounts. The scribblers of the middle comedy wrongly imagined that "Maison" was the name of a certain Megarian cook who migrated to Athens, and there perpetrated a dish which became popular, and also invented a sphinx-faced mask. He is alluded to in these lines:

"A human sphinx it was, and not a cook  
Into my household next I sadly took.  
A sphinx, ye gods! whom none could understand,  
A-babbling riddles from a foreign land."

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<sup>1</sup> Ath. viv., c. 77.

A word more about the bond between the herald and the cook. As the soothsayer assisted in the inspection of victims, he claimed kin with the herald. But the butcher was of the same guild, and was also recognized by the cook, for the apprentice to the sauce-pan began as an assistant in the meat-stall. This historic connection between the butcher, the cook, the soothsayer, and the herald has been strangely overlooked by writers on heraldry. It traces back to the sacrificial rites, and to the feast that followed, and is of prime importance, as it gives a sanction (not a sanctity) to a good deal of the assumption and airs which a modern cook gives herself. It may be retorted that the modern cook is usually of the female sex, and of Milesian ancestry. The point is superficially taken. The priestesses of Diana were Karyatides, and therefore cooks, and Asiatic Milesians. The lines of connection are clear, though delicate.

It may be well, at the cost of proper chronological order, to complete the proofs of the cook's official connection with sacrifices. The only letter preserved to us of the correspondence of Queen Olympias with her son Alexander the Great is about a cook. "Accept"—she writes—"from your mother, Pelignan the cook.<sup>1</sup> He knows the sacred ritual your Father practised when sacrificing, and the orgiastic, and Bacchic rites; and what Olympias herself prepares for the sacrifices. Do not receive him slightly, but take him, and send him back as soon as possible."

Pelignan sounds frenchy — was he a Galatian?

Another grave ritual function fell to the maison. He was very often the hierophant at weddings.<sup>2</sup> Now, shorn of this office he putters over the preliminaries of roasting, stewing, frying, and gravy-making. But then his were the libations, the sacrifices, the auspices, the prayers at the ceremony. Such an office could not have been tamely surrendered, but I can find no trace of any resistance.

So important a person needed a liberal education.<sup>3</sup> The

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<sup>1</sup>Ath. xiv., c. 18. <sup>2</sup>Menander's play of the "Flatterer." <sup>3</sup>Ath. xiv. 80 seq.



true cook, if caught young, and if he displayed any aptitude, was carefully trained. After passing successfully his novitiate in dish-washing, he was initiated into the elementary secrets of the craft through some simple dishes. He was thoroughly tested as an apprentice before he was trusted with the deeper mysteries. At the close of this stage of his probation he was taught some liberal accomplishment.

Here is the report of a conversation between a wealthy dinner-giver in Athens, and a noted cook whom he had engaged.<sup>1</sup> The employer complained that the artist did very little. He evidently was as much afraid of his cook as we are now.

"Your manners are very courteous and genteel, but you do very little," quoth the master of the house.

"Yes? But you know, sir, that there are cooks and — cooks. You spent a good deal of time, doubtless, in studying other subjects besides your proper profession, that you might be liberally educated. So we have to learn other arts besides cooking. Let me mention them: Astrology, Geometry, and Medicine. These we have to know."

"Right so. But I don't see why."

"Yes? Well—Astrology. We ought to know the habits and ways of fish, and the seasons when they run, and what fish are in season and what are out. These are all known by observing what sign the sun has reached. There is the greatest difference. A pig-fish in season is finer than a tunny out of season."

"Good. But how about Geometry?"

"Permit me. I see a globe there. Set it before you. Divide it thus—and thus—in the fashion of our art. Now the other side. There! See?"

"Pray go no further. I see; but how about Medicine?"

"Yes? Well, some foods, you know, are good for the wind, others are indigestible; others are not good at all. Nor are all viands, that might form a dainty feast, compatibles—to speak medically. We have to proportion them,

<sup>1</sup> Ath. vii., c. 37.

and to offset some dishes by others. By a use—an intelligent transference—of the principles of the medical profession, I make my dinners symmetrical in many ways. Then, too, the arrangement of the dishes! Ah, there is much to learn in the art of cooking."

"Now listen to me a moment."

"Sir?"

"You needn't trouble yourself about my table. You may have all your time to devote to your studies."<sup>1</sup>

It is not a mere fancy sketch; it is a study from the life, and has been repeated in private impromptu rehearsals every decade since the mageiros developed into a distinct and independent artist. This ancient cook was not one to go about, ladle and carving-knife in hand, ready to show how nicely he could cook a steak or toss a fish. He valued himself too highly. He was trained to respect his art, and so to respect himself. But your really great mageiros, though he magisterially lectured his pupils, was not above doing a bit of apprentice work himself.

How natural is this little scene in the restaurant of a certain mageiros. The artist's pride is most skillfully touched off:

"Here are choice fish from the sea, ready scaled, side by side;  
Help here! the sauces now mix by receipts I have tried.  
Put me this pan on the coals, and but spill on the fire  
Just—there!—the slightest wee drop of fine oil; see how higher  
Flames up the coal, and your fish are just done to a turn;  
Once more a toss—now beware lest they brown to a burn.  
Chop up some herbs. That apprentice must see to each dish  
That it is daintily fit for the guest's slightest wish.  
Garnish it neatly, and sprinkle the sauce to his taste.  
Epicsures only should taste it, else 'tis but a waste."<sup>2</sup>

Restaurants under skilled mageiroi were very frequent. Every Greek city contained a number of them. In Athens the young gentlemen were fond of getting up a sort of club dinner. The cooking at home was generally abominable;

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<sup>1</sup> Ath. vii., c. 37.    <sup>2</sup> Ath. vii., c. 40.

besides, one could not well, from the domestic arrangements, invite his young friends to dine with him at his own house. So dining clubs were numerous. The mageiros had then a fair chance to show his skill and to acquire wealth. For instance, the popular orator, Demetrius Phalereus, was the moneyed partner in a firm which furnished at wholesale to caterers the vinegar, fine oil, cheese, and bread which, with other things, made up an Athenian feast. He had bought, also, at a low price a noted cook, Moschion (*Calfe*), and taking a fancy to him, gave him the broken cases of oil, and the other odds and ends which go to make up the wastage in a wholesale warehouse. With these perquisites Moschion opened a lunch-room, which proved so successful that in two years' time he was able to buy three flats; and a flat in Athens was a paying property.<sup>1</sup>

The cook was not an afrit of steam, smoke, and odor of roasts, but a human being who felt his own worth and the importance of his art to the well-being of society. Was he not liberally educated? Did he not have a training in the artistic side of his profession? It was not strange, then, that he was tempted to presume upon others' forbearance, and was quick to resent interference or direction. Are there not on record modern stories, yet true, of rude messages sent up from the lord of the stew-pan to the overlord of the parlor?

A master of his profession could command his own price. He was ranked among the sophists—and correctly; for what is food but raw material sophisticated? He did not dare to claim the rank of a philosopher; he had to be modest, or his brethren would have roasted him for his pretension. After his death such a rank could be granted to his memory. His rivals could applaud his skill in his specialty when they no longer feared him. So it was admitted that Agis cooked fish *à merveille*; that Nereus, the Chian, was versed in the mystery of serving conger eels; that Chariades of Athens dished up, with fig-leaves, the most delicate white omelettes;

<sup>1</sup> Ath. vii., c. 60.

that Lamprias, the Spartan, showed what could be done with black broths; that Aphthonetus was the authority on sausages; that Eusthenes studied effects in pea-porridge; that Ariston was a superb caterer for impromptu dinners.<sup>1</sup> These were the Seven Sages of the Philosophy of Cooking. All who came after them were either clever sophists or else built on the principles of these masters.

We have a few scattered notices of cooks who wore the papyrus cap about 490—330 B. C. Sicon first brought the study of astrology to the aid of accurate cookery.<sup>2</sup> He also mastered physics for the same purpose. Boidion and Chariaides were of his school. Arcestratus ransacked the then accessible world for new edibles, and wrote an epic-poem on the Pleasures of the Table. The Siciliote Labdacus introduced the Sicilian style into Athens. Sophon, the Acarnanian, and Damoxenus, the Rhodian, were fellow-students under Labdacus, who used the famous writings of Chronus as text-books for his school.<sup>3</sup> And we must not forget Pelignan, the beloved of Olympias and so tenderly commended to Alexander's care.

The art was developed by peoples who had attained some eminence in either the religious or the social world. After the wasteful feasting and mighty junketings of heroic days, it became possible for a state to develop the true law of dinner-giving.

The Thebans, under the instructions of their King, Cadmus, might have been the perpetuators of a Zidonian school in Greece. In historic times they had the name of being huge eaters, and of being proportionately stupid. Was this a deep stroke of state-craft? Did their mighty founder, remembering how he had combined cooking and diplomacy, fear treasons, stratagems, and spoils, and so feed them into sleekness and sleeping well o' nights? It was a grievous error. To perpetuate a dynasty, he sacrificed a great school which might have changed the future of all Greece. Theban voracious habits were a pan-Hellenic jest. Later on

<sup>1</sup> Ath. ix., c. 24.    <sup>2</sup> Ath. ix., c. 22.    <sup>3</sup> Ath. ix., c. 68.



the Thebans medized, and naturally, for they traced their establishment to an Asiatic. But out of antipathy to them—so subtle is the force of habit—the rest of Greece resisted the Persian. Then came Marathon and Salamis! Thebes lost her political opportunities; Athens grasped hers with both hands, and afterwards rose to eminence in cookery. Was it her reward?

The Macedonians vulgarized the refinements Athens had either invented or culled from the large experience which her merchants or sea-captains brought home. The Macedonians relegated all their cookery worthy of the name to slaves captured in war. They had no national dish. No wonder Demosthenes exclaimed that Macedonian slaves were worthless. A captive invented a dish—the *mattue*—which became popular throughout Greece. But it soon lost its distinctive character; and its foundation—a highly-spiced batter—was applied to any food that could be baked in it. This was the only one they contributed to the list of popular dishes in Greece. Wherever they colonized, the Macedonians assumed the local dress and dietary. No wonder their rule vulgarized both the language and the statesmanship of Hellas.

The lively Delians had the oldest reputation, if they did not actually found the oldest Greek school. Their islet was the most ancient festal gathering-place on all the seaboard of Hellas, even from Homeric times. The Temple of Apollo drew crowds of worshippers. They had to be fed, and many of them insisted on having their national dishes furnished them. What a school for a skillful master, watchful to select new ideas for his apprentices!

At times Delos must have been converted into a vast picnic ground. Its fame spread throughout all Greek-speaking people. Even the Persians, in the midst of their bitter wars with Greece, not only spared it but made large offerings to the temple. Possibly they found their own best recipes in use there. If so, it was the unconscious diplomatic skill of the cook that saved the place. This fame had

no little loving familiarity mixed with it. Their extravagant admirers called the *mageiroi*,—*demiurges*, kid-dressers, round-bellies, piggy, lambkin, cakemaker, temple-sweeper (a most honorable nickname), fish-tosser, and, lastly and most curiously, kitchen-table-dresser *eleodytai*. This last was a notable term of endearment and acquired a legal force. For the eminent lawyer Polycrates, in drawing up an indictment where the parties were all Delians, does not so nominate them but calls them *Eleodytai*, neatly implying that they were both Delians and cooks.<sup>1</sup> The Amphictyonic law directed that these *eleodytai* must furnish the water,—for what, we are not told; but king Amphictyon was taught to mingle water with his wine. They were cup-bearers. These Delian cooks were called the Guests of the God, and summoners of the people to the feast. What loving memories of feasts never to be forgotten these nicknames embalm and send down to us!

Phoenix, a stout old merchant captain would, after he had brought his freight to the consignees in the *Peiræus*, spend the time till the next cargo was ready, in Delos; for, he said, he 'found there three things he liked,—a good market; people from every part of the world; and the guests of Apollo.' 'Tis a pity we have not some of the yarns which he must have spun off with such gusto over his wine in a Delian café.

A school of some promise sprang up in Sicily, and it really attained great eminence yet, it soon died away. It sent out able cooks to other lands, who won fame. But at home the real reason of their failure was that they mixed their sauces without judgment. At least, the great authority, Archestratus writes,—“don't let a Siciliote or Italiote cook touch your fish. He will ruin it with cheese, and too thin vinegar, and *assafœtida*. He may know much about the thrice-accursed Rockfish, and he has many clever ideas about a dinner and how to prepare dishes with sticky sauces, but —.”<sup>2</sup> He was perfectly right. Yet, the Siciliotes

<sup>1</sup> Ath. iv., c. 73.    <sup>2</sup> Ath. vii., c. 86.

were noted for the dainty tables they set. Plato, however, objected to their too great variety, and his taste in all things was exquisite.

The Delphians had, perhaps, still better opportunities than the Delians, for they came later and could profit by experience. Apollo instructed his first priests—who by the way were Cretan pirates—in a rough cookery; but the Cretans were no mean proficients themselves.<sup>1</sup> The long train of worshippers, the royal embassies, the state Theorias, the deputations from every barbaric nation, as well as from every petty state of their beloved Hellas, must have given the cooks of Delphi unparalleled opportunities to gather from the whole œcumenical world new recipes, rare dishes, tempting dainties, attractive conceits, and splendid barbaric inventions. But they deprived themselves of this grand concurrence of means and instruments for building up a school in cookery that should really be pan-Hellenic in its extent, sound in principle, and as enduring as the educated taste of man which could survive the shocks of change and decay. The town council had granted to the Magnesians, who pretended to be colonists from Delphi, the monopoly of furnishing to strangers lodging, salt, oil, vinegar, candles and candle-sticks, beds, coverlets, and dining tables.<sup>2</sup> These were in the hands of the Magnesian ring at Delphi. We can only conjecture why these great franchises were granted, for the ruins of Delphi have not yet been examined for inscriptions which might throw light upon this aldermanic folly of the Delphian Boulé. Ephesus, the seat of Diana's worship, was of surpassing splendor. Policy may have dictated the concession of this monopoly for the purpose of establishing relations with a city like Magnesia of such political importance, and so near Ephesus, and which would advertise the superior oracular advantages of Delphi without creating any unpleasantness between these twin deities. The plan certainly succeeded. The Magnesians in Asia Minor were a good advertising medium. The error lay in making the

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<sup>1</sup> Hom. Hymn to Apollo. <sup>2</sup> Ath. iv., c. 74., seq.

monopoly perpetual. These Magnesians had no true theory of their art, nor were they competent, and the Delphians, who, as Cretans whose social life centered upon club houses, (*Syssitia*), could have produced—if not a school at least some renowned masters, were estopped by this unlucky monopoly. They sank to the rank of caterers. For it does not follow that, where multitudes most do congregate, there good restaurants must abound. Something more is needed, else the crowds that filled the streets of Corinth and of Paphos ought to have produced some noteworthy results.

The cook was thus not merely an important, and very real person, but the representative of a culture having resources and apparatus by which he illustrated, unconsciously but most delicately, the genius of his race. In the Greek Cook, crowned with rare successes, yet smirched with disastrous failures, and unable to establish his supremacy, we have an epitome of Greek character, capable of brilliant achievements, clothed with poetic insight, but wasting itself in those petty jealousies and frivolous aims which destroyed all its genius could gain.

A. A. BENTON.



## BISHOP LIGHTFOOT'S THEORY OF THE EPISCOPATE.

The famous Essay upon the Christian Ministry has been before the public for nearly a quarter of a century, and comment upon it at this late date may seem to demand some explanation. To some, indeed, a distinctively theological or dogmatic theme, more especially a question of polity, is distasteful under any circumstance in an age teeming with problems of life and philosophy. So the learned Bishop of Durham felt. To such we must be content, with Dr. Lightfoot, to reply that these questions insist upon consideration. On the other hand, we believe that eminent writer's essay to be the most important contribution to the discussion of the ministry which this century has produced, one which most likely may prove the last word from the Presbyterian point of view.

Only the more remarkable, therefore, becomes the substantial likeness between this essay and its predecessors. To speak now only of his method, Dr. Lightfoot is strikingly original in his philosophic presentation of his case; in his thorough and comprehensive grasp of the subject, in his able use of the modern historical analysis, and specially in his application of the doctrine of evolution with a clearness impossible to his forerunners. And yet in argumentative material, in comment even upon evidence, there is perhaps nothing in his essay which has not been already adduced and considered. The *loci classici*—Tertullian, Ignatius, Jerome, *e. g.*—are, and must always be, the backbone, if not the entirety, of the contention. Even the theory of Rothe has its germ in Jerome; and no more modern a writer than Blondel (1645) furnishes for all the coming centuries the Presbyterian interpretation of the Fathers.

It is not without use to realize this fact. There is small possibility, that any material evidence remains to be dis-

covered. Dr. Hatch, no more than Dr. Barnes, can build any argument which does not really rest upon the well-known foundation; his interesting numismatics may throw a side-light upon a constructed plea; but neither they nor the *Didachæ*, nor the Gospel of S. Peter, are likely to dress this theme in any truly novel vesture. And in passing one cannot forbear to observe that in all matters of theological fact, and in not a few of theological speculation, a wise man will read the very oldest and the very newest authors. He will almost infallibly find the germ of all the future in the past, and he will find, of course, the past's latest evolution in the modern. The intermediate space is, as a rule, filled with temporary and vanishing speculations; they served their day and generation; as busy men let us thank God they are no longer necessary in ours!

Dr. Lightfoot's essay falls naturally into two parts, of which the first deals with the origin of the christian ministry, and more especially the episcopate. We shall confine ourselves to the writer's interpretation of the Church's early history in its relation to the doctrine of apostolic succession; and it seems proper at the outset to define what this doctrine means for the purposes of the critique, for certainly the term covers many opinions and many dogmatic beliefs. These often may or may not be true; the facts which they allege may be of the highest importance; they may possibly so concern the well-being of the Church of Christ as almost to account for the Church's existence; while yet an apostolic succession would be conceivable, most of such opinions and beliefs being swept away. A factor there is, however, which must be present in any theory of succession which shall satisfy the usage of language in the past. It must be believed, viz., that the apostles of Christ committed to certain men definite functions—namely, of government and ordination—to the exclusion of all other men, and that from that day to this such original commission has been tradited and exercised; while if this succession is to be episcopal (as the term apostolic succes-

sion is universally understood to imply), then the aforesaid functions will not be given to all pastors of congregations, but will, by the mere fact of their possession, constitute those who possess them into a distinct and higher order of ministry in the Christian Church. These elements, then, must be present in any historically legitimate theory of succession: apostolic commission, exclusive functions—exclusive both of clergy and laity; which functions are, first and absolutely, ordination; second and under varying forms and modifications, government. These given there is a true succession. Men who hold these essentials may take opposite views as to the divine obligation of episcopacy, as to its necessity to the being of a church, as to the efficacy of non-episcopal orders, as to the connection between holy orders and holy sacraments. They may be quite indifferent to the peculiar form assumed by the Episcopal body—whether collegiate, as the so-called Methodist Episcopate; missionary, as the original Eleven; apostolic vicarial, as perhaps in the case of Timothy and Titus; diocesan, as S. James of Jerusalem; papal, as at Rome; or monastic, as in the Irish Church of the sixth and seventh centuries. Nor is it a vital question whether or not the early bishop obtained full recognition for his authority to govern. It would not affect the essence of the question if that authority was, and always has been, ill-defined. It may be that at first the difference between bishop and priest, save only in Jerome's language, in the matter of ordination, was little or nothing. Possibly the term "presbyter-bishop" would most truly describe the earliest situation. All these things, however viewed, leave the heart of the matter untouched, if only over all christians, grouped into flocks larger or smaller as convenience might dictate, there was one cleric, preëminent of necessity, because the sole source of all sacrament power, and himself holding commission from the apostles of the Lord.

And on the other hand, if one or other of these features be removed from our theory, then we no longer hold the

doctrine of the succession in any such sense as would satisfy its history in theology. Be our language never so strong, never so strenuous; though we speak almost with reverence of the utility of episcopal government, a utility which it would be criminal to disregard; even though we speak of the episcopate as divinely originated, meaning thereby that the indwelling Spirit has evolved the episcopate in the Church; still the root of the matter will be wanting in our theory if we do not connect the present episcopate with Christ's apostles, if we do not regard them as having so established the episcopate as to pass over every Church from their own hands into the hands of such an officer as we have above described. A break in the chain—a space between the apostles and the bishop, a christian community left even for a single generation without episcopal government by the deliberate failure of the Eleven to provide such care, is destructive of a true succession in the historical sense. And it is for this reason that we venture to call Bishop Lightfoot's theory a Presbyterian theory of the ministry; although he comes within a hair-breadth of the definitions of the past.

Briefly stated, the Bishop's theory is this: By A.D. 120 it may be probably conceded that episcopacy was the government of Christendom. Certainly by A.D. 150 we must imagine it practically universal. But episcopacy was not established by the Eleven as among those "things commanded" them of Christ. They did not conceive of it as the authoritative constitution of Christendom. Neither did they as a body ever come to regard it as the fittest expedient to meet natural emergencies in the Church. Episcopacy was not their joint device, born under the teaching of experience, as the diaconate would plainly seem to have been. Indeed, the majority of the original college cannot be supposed to have so much as contemplated the question of a uniform government of the Church. S. Paul's foundations were left at his death with only the collective headship of the presbyterate. Episcopacy, as a scheme of gen-



eral organization, arises after the deaths of S. Peter and S. Paul, when perhaps the greater number of the Lord's immediate followers had passed away. It is the creation of S. John. He may have been, and probably was, supported in this legislation by a few remaining colleagues, as to some one or two of whom tradition reports that they lingered in Asia Minor until near the end of the century. S. John's great authority commended the plan to the christian world, and secured its very rapid adoption. But the Greek Churches, whether in or out of Greece, were the last to organize themselves episcopally, and did not so organize until after the last apostle's death; a delay, however, which excited no surprise nor remonstrance on the part of their fellow-christians, made no breach in the catholic communion, and was not looked upon as imperfection, schism, or dissent.

In a sense, it will be seen, this may be called an apostolic succession; it began with an apostle, or apostles; all actual bishops may be descendants of the first creations. But I suppose it would be generally felt that this theory could be described as the Johannine, rather than the apostolic, succession, and that it cannot fairly be thought a description of the succession as words have hitherto been understood.

The attitude of Bishop Lightfoot toward the facts in evidence in this question is generally but, as occasion may show, not always consistently, very rigidly critical. Ordinarily he allows nothing which is not mathematically demonstrable; he is painfully careful not to import any meaning into the statements of early writers which is not expressed *ipsissimis verbis*. No man can read him without consciousness of his perfect probity; but equally certain is it that he is more just to his enemies than to his friends. For the latter he will imagine nothing—will demand from them the pound of evidential flesh; for the former he has what Professor Proctor called, in famous phrase, a scientific imagination.

By such a method the New Testament is made to yield

purely negative results. What saith the letter rigidly confined within the exact limits of its affirmation? The sacred text may harmonize with, suggest to the mind, explain the well-known historical facts of a little later date, but it affords no proof of the existence of the like facts in its own day and generation. The text is studied in itself alone, and each text almost in its isolation. *E. g.*: The apostles as a body made S. James the Diocesan Bishop of Jerusalem. But the fact must not incline us to believe that they hereby reveal their ideal of government, or that they ever put the same into general practice. There is nothing to be gained by an examination of this part of the essay. The result is predetermined by the method. Few contend that Holy Scripture does more than harmonize with the theory of episcopacy. The catholic hypothesis is an episcopal Church founded by the apostles. The hypothesis is based primarily upon the general appearances of Church history, upon universal tradition. The New Testament, largely epistolary, is addressed to a preëxistent Church, and sympathizes with its hypothetical government. It does not sympathize with the Presbyterian hypothesis. But sympathy seems to us all the evidence deducible from Scripture as to these questions. Upon the whole, Dr. Lightfoot allows the sympathy, but denies its evidential worth. All the Eleven combined to found one Church, and put a diocesan bishop at its head; but this affords no color to the belief that the Christendom, which in large measure had already been converted by these same men before the history of the Acts was written, was similarly organized.

We may turn, then, to Church history. And it doubtless may seem just that the same rigid limitation of evidence to its literal import should obtain, and that we may jealously refuse to allow inferences of the historic imagination.

We have spoken of the substantial likeness between Dr. Lightfoot's essay and the writings of his predecessors so far as evidence and the estimate of evidence are concerned. The superiority of the great Bishop consists in this: that

he substitutes a philosophical theory for a mere contention of fact. The old controversialist marshalled his witnesses and overbore his antagonist by sheer weight of numbers. Dr. Lightfoot ungrudgingly concedes the predominance of episcopacy from the very start; he views it as the type fitted to survive. But he maintains that in one race, strongly democratic by instinct, the evolution was comparatively slow. The Greeks were natural Presbyterians (their only likeness, we presume, to the Scotch!); their conversion to episcopacy was a work of time. The theological effect of this theory has been noticed: let it now be admitted that the position taken is admirable for its ability. For, first, to allege in this day that anything is a gradual growth obtains an *a priori* credence; the great law of development is the modern fetish. We should incline to believe one who told us not merely that an institution grew, but even that the very first germs were a development also. We hardly nowadays conceive of a beginning. And, further, the position of Dr. Lightfoot demands admiration for the reason that the supposed Presbyterian evidence does actually and almost exclusively concern the Churches of Greek extraction.

It will be found that the passages from the Fathers relied upon by the essayist fall naturally into two groups. One is prior in date to 200 A.D., and is almost contemporaneous evidence as to the government of the Grecian Churches (employing the term in the large sense) between the death of S. Paul and the times of Ignatius, after whom, it is conceded, that episcopacy became universal. The other group is almost wholly of the fourth and fifth centuries, or even later. That is, these two sets of patristic testimony are separated by at least two hundred and fifty years.

Now before examining individual witnesses, it may be well to repeat that episcopacy and episcopal prerogative are for us perfectly distinct questions. We are not disposed to dispute that the prerogative may have been exceeding limited in early times. We can with equanimity allow Dr. Lightfoot any claim he chooses to make in this re-

gard, and therefore hold ourselves excused from an analysis of his argument. Our own bishops are sometimes disposed to complain that they are canonically shorn of some of their divinely inherent powers. Similar restrictions in the past need not detain us, despite them a bishop may be a bishop still. Dr. Lightfoot explicitly admits as much, but the admission is very reluctant and its application in the course of his argument often very uncertain.

We may now take up the case of the Roman Church, Grecian of course in its origin, and glance first at "The Shepherd" of Hermas. In this author, (circa 140 A.D.) the allusions to the Roman clergy are frequent. The essayist, however, pronounces them susceptible of very different interpretations; they may prove Presbyterianism, they may prove episcopacy. It is only, he thinks, because we know that Hermas's own brother was at this very time the Roman Bishop, that we know anything of the Church's real hierarchical constitution. The inference, he concludes, is unavoidable; the Bishop of Rome was still of those very limited powers which recall the original "presbyter-bishop."

That primitive official is represented *κατ' ἐξοχήν* by the illustrious Roman, Clement. As to this man let it be observed, that certain things are in evidence. The evidence is good for any ordinary matter of fact, and is accepted for such matters by Dr. Lightfoot. It is the evidence of all antiquity; by which phrase we intend both, that antiquity contains no contradiction or qualification of the facts alluded to, and also that the ancient witnesses are nearly contemporaneous, and as numerous as the volume of very primitive christian remains ever affords. Under such circumstances, such facts are surely to be unhesitatingly and frankly admitted: they are neither to be explained away, nor strained to inferences which they do not express. The writers testifying in these matters are Hegessipus (170 A.D.) Dionysius of Corinth (170 A.D.), Irenæus (180 A.D.), and all subsequent Fathers who at any time deal with



the questions in hand. One of these undoubted facts, then, is that Clement wrote the first epistle which bears his name. Upon this point Dr. Lightfoot says, "We cannot hesitate to accept the universal testimony of antiquity that it was written by Clement." (*Phil.*, p. 218). But another fact similarly attested is that this same Clement was bishop of the imperial city. Here again, though humorously enough with slightly less conviction, Dr. Lightfoot says, "The reason for supposing Clement to have been a Bishop is as strong, as the universal tradition of the next ages can make it" (*ibid.*, p. 221). Now again, I venture to allege that it is an absolute and certain fact that, whenever antiquity speaks of a man as holding the bishop's office, it invariably gives him a singular position, and understands that singularity to consist in the power to confer orders, and of a certain presidency over the presbyterate. Granted this distinction, it would seem little matter that, in Dr. Lightfoot's opinion, the epistle of Clement treats the hierarchical question in such wise as to compel the belief that the writer was "Rather the chief of the Presbyters than the chief over the Presbyters" (*ibid.*, p. 221). It will not then be necessary to discuss individual passages of the epistle. That passage which uses the Aaronic Priesthood in its threefold order as evidence that God assigns different duties to different men in the Church, and concludes with an exhortation to the Corinthians, "Let each of you, brethren, in his own rank give thanks to God, retaining a good conscience, not transgressing the appointed rule of his service" (*Clem. R.*, 404); must not, we grant, be cited as a distinct assertion of a threefold ministry. It is an illustration of principle. But on the other hand, in view of all early christian history—if it be remembered that we are gleaning hints in what Dr. Lightfoot calls "a mysterious period" between S. John and Ignatius,—if we recall that this is the utterance of an acknowledged bishop: then, surely a fair minded man would say, the illustration of Clement harmonizes with episcopacy, suggests episcopacy, is a probability in its favor.

The limitations of Clement's powers are inferred not merely from the lack of recognition of episcopal position by Hermas, and the possible ignoring of episcopacy in the body of Clement's own epistle; but a moderate prerogative certainly appears to follow as by necessity from the epistle's opening address—"The Church of God which sojourns at Rome to the Church of God which sojourns in Corinth." It may be frankly conceded that episcopacy does not hold an over-shadowing place in a Church which can thus begin an official communication to a foreign body. This impression is further deepened in Dr. Lightfoot's eyes by the fact that S. Ignatius addresses the Roman Church in precisely similar fashion. It is certainly remarkable that in this one epistle to the Romans, contrary to his custom in all the other six of his epistles, Ignatius makes no mention of the bishop of the city to which he writes. Hardly less noteworthy, however, is the effect of this omission upon Dr. Lightfoot, and although, as has been shown, he has admitted that Clement was a bishop; and although he knows and owns that the Roman Succession has been uninterrupted from S. Clement's days; yet this curtailment of episcopal dignity by Ignatius so impresses him that he continually implies an uncertainty of the very existence of episcopacy at Rome, and more still, makes the Roman situation, so interpreted, the corner stone of his theory as to all other Grecian Churches. For Polycarp, Bishop of Smyrna, also indites an epistle to the Church at Philippi, in which no bishop is addressed or mentioned. And what simpler than the inference that Philippi was Presbyterian—a type indeed of Grecian christianity? Now we confess again the strangeness of the facts; nor very likely is there any wholly satisfactory solution to be offered. There may have been a vacancy in the sees addressed, when Clement wrote to Corinth, Ignatius to Rome, Polycarp to Philippi. It may be that the style of an epistle was determined by the writer's knowledge of the Church to whom he wrote; so that Ignatius for such cause, addressed his colleagues in the neigh-

boring cities of Asia Minor by name, but the whole community of Rome. Perhaps the ill treatment of worthy presbyters at Corinth against which S. Clement remonstrated was as much the act of the Corinthian bishop as of the Corinthian people. Or it may be, and personally we incline to this opinion, that the episcopal power was hardly differentiated from that of the whole christian body, save in the one matter of ordination, and was in fact largely a moderator's power in all matters of pure administration. In short theories innumerable may be formulated. Yet exceptional as are the facts, a Church might issue an official document, impersonally in its collective character, and still be presided over by a bishop; for thus did Rome, of which Clement was ruler, and Clement, says Dr. Lightfoot, was a bishop. Conversely a bishop might address a christian community in its collective capacity, and yet the city addressed be episcopally governed. For Ignatius wrote thus to Rome, but the Roman episcopate was unbroken from times apostolic, by Dr. Lightfoot's own confession. The evidence probably proves weak prerogatives, but does not necessitate Presbyterianism.

The argument *e silentio* is extended and reinforced, though with some hesitation, by the remark that, while we hear much of episcopacy in the rest of the world, yet in Greece and Macedon we meet no notices of its existence. And one may fairly ask, what do we find noticed as to Grecian christianity in the primitive records? We know, indeed, that to a great extent the early Church was Grecian; even in Rome christians spoke Greek and prayed in Greek for well nigh two hundred and fifty years. But what were the marked events in Grecian Church history? Who were the Greek Fathers, resident in grace and reflecting contemporaneous christian life? My memory recalls none except an apologist or two, whose scant remains might fill a few brief pages. Silence as to the Grecian episcopate! Why there is silence as to everything Grecian after the New Testament writings, a silence virtually unbroken from that

time to the present. Life was departed from the Peninsula.

The representation, however, is not true without qualification. There are certain hints and assertions as to Greek bishoprics, and these accordingly Dr. Lightfoot sets aside as undeserving of credit. Origen tells us that Caius, S. Paul's host at Thessalonica, was first bishop of the city.<sup>1</sup> When Hegesippus visited Corinth, Primus was bishop;<sup>2</sup> and the language of Hegesippus implies that there had been several predecessors in the see. Dionysius of Corinth says that the Areopagite was first bishop of Athens;<sup>3</sup> at least so Eusebius reports him to have said. Tertullian boldly challenged heresy to submit to the test of apostolic tradition, as it was to be ascertained in the teaching of all apostolic sees, instancing the very Grecian communities principally in question. His language is: "The very sees of the apostles still preside; if Achaia is nearest to you, then you have Corinth; if you are not far from Macedonia, you have Philippi, you have the Thessalonians; if you can reach Asia, you have Ephesus."<sup>4</sup> Dr. Lightfoot may choose to call this passage "a rhetorical flight." Why it is not evidence, does not appear. One thing is certain, however. The passage shows Tertullian's opinion that Grecian episcopacy as well as Asiatic was apostolic in its origin. This is indeed the remark to be made as to all these citations. They evince the conviction of men, whose position fitted them to know, that Grecian episcopacy was primitive. The evidence is slight and in its details may seem legendary; but it displays a settled public opinion of extremely early date, scarcely reconcilable with the Johannine theory.

This is the proper point at which to consider two famous patristic citations, intermediary in date between the two main groups of witnesses. First we may dispose briefly of that notorious passage in Tertullian<sup>5</sup> where he sanctions lay ministrations in case no cleric can be had. Dr. Hatch's

<sup>1</sup> Ad. Rom., c. 16, p. 23. <sup>2</sup> Euseb., c. 4, p. 22. <sup>3</sup> Ibid. <sup>4</sup> De Præscr., 37. <sup>5</sup> De Cast.



elaboration of this passage will be remembered. It should undoubtedly, however, be regarded as an instance of speculative theology. As a speculation, it need not offend the most advanced champion of episcopacy. It would seem useless, however, for Dr. Lightfoot's purpose. Tertullian does not testify to a primitive liberty, in a time when there were no bishops. This cannot possibly be his meaning; for Tertullian was ignorant of any such primitive condition. He believed episcopacy apostolic. Again, that Canon of Ancyra which deals with the ordination of Chorepiscopi must be excluded from the witness stand.<sup>1</sup> The text is defective and it cannot be ascertained. Dr. Lightfoot completes it in a Presbyterian sense; Dr. Routhe completes it in favor of episcopacy. Dr. Lightfoot gently intimates that Dr. Routhe writes impossible Greek! We leave it to better scholars to decide between giants.<sup>2</sup> Hammond remarks: "The text is in hopeless confusion." Under these circumstances we may be allowed to exclude such evidence from consideration.

We have now reached a distinct phase of the subject. So far we have been examining the origins of the episcopate in the light of what may be called, properly enough, contemporaneous testimony. Clement, an apostolic man, Polycarp, S. John's disciple, S. Ignatius of an age to have seen our Lord, are surely the best evidence. Even Hegesippus and Dionysius of Corinth, even Irenæus and with a little more latitude Tertullian and Origen, are so near to the last apostle, or so unbrokenly linked back to his times, as to bring their testimony into the same class. Now, however, we are to pursue our investigation, by the aid of men very differently circumstanced. These witnesses will be cited by the essayist to show that his imaginary Grecian episcopate of primitive days was remembered in later ages, when the changed face of Christendom had generally obliterated all traces of the Church's first constitution.

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<sup>1</sup> Concil. Ancyra, Can. 13. (Routhe, *Rel. Sacr.*) <sup>2</sup> Canons of the Church, p. 143. Oxford, 1843.

Here, then, we need to remind ourselves that patristic evidence varies immensely in nature and worth. We all incline to treat christian antiquity as a unit; to regard the Fathers as all equally good to prove any pet idea. If we admit differences of character and genius, we seem ignorant of the lapse of time, and unsuspecting that by this mere temporal lapse the same genius is made untrustworthy, or at least fallible, in certain regards. Doubtless the accepted divisions of Church history by centuries, the ordinary speech which talks of the first three centuries, or the eager contention that all the first six shall be revered, accustoming us to overlook the tireless changes of a single generation, tends to this insidious error. And yet change is the very basis and sole justification of such historical epochs. The lines between these great secular divisions are water-sheds of thought and mental temperament. The first three centuries are fitly grouped together, for the conversion of Rome made an unspeakable difference in the minds of christians. So the period of the councils is a legitimate section of history, all the more that its limits coincide roughly with the overthrow of the Western Empire and with European beginnings. Or the establishment of the papacy, whether we say under Nicholas I. or Hildebrand, makes the works of Aquinas a new species contrasted with the writings of Ambrose or Augustine. Yet perhaps the indiscriminating reverence for antiquity is not so unfortunate in overlooking the changes in mental and moral tone impressed upon men by the lapse of years as in failing distinctly to perceive what yet is self-evident, that the subjects with which men can at all deal are in a measure determined by their date. Plainly Jerome or Athanasius is less weighty as a witness to a primitive *fact*, than Papias to whom Eusebius is known to have been impolite, or Hermas whose truly silly fancies become tolerable only when perused for information which the writer never intended to give. This is a necessity of the situation. The testimony of S. Augustine or S. Ambrose to primitive facts is merely traditional; if supported by their predecessors, it

has weight in proportion to that support, it is the last link in a chain. Unsupported, their so-called testimony becomes in simple truth indistinguishable from mere conjecture.

Seldom are such considerations more genuine than in the present instance, as may presently appear. Our author has passed in review all the christian communities of Grecian origin known to history, save the Church of Alexandria. And here he finds, as he believes, the irrefragable proof of his theory. For S. Jerome declares that from the days of S. Mark until the episcopate of Heraclas (249 A.D.) the presbyters of Alexandria nominated and elected their patriarch. He does not say that the presbyters also consecrated the bishop; but doubtless they did, for his predecessor Ambrosiastee tells us that in Egypt presbyters were accustomed to seal, consecrate, or ordain, in the absence of a bishop. If it be said that Ambrosiastee may refer only to ordinations of *presbyters*, then the testimony of Eutychius, himself Patriarch of Alexandria in the middle of the tenth century, will clinch the matter; for this writer distinctly asserts that the Alexandrian presbyterate both nominated and also consecrated their chief, as late as the episcopate of Alexander (326 A. D.) In fact this was an unavoidable practice, since according to Eutychius there was but one bishop in all Egypt, the patriarch namely, until the times of Demetrius (233 A. D.).

Now the objection to this story, as a whole, and to each \* of these witnesses in particular, is the general objection; they lived too late. *In limine* this description of Alexandria is incredible, since it is wholly without corroboration in earlier times. We have here a tradition that has not been tradited, it has not even those faint and shadowy beginnings from which legends derive their respectability. Considered in itself and apart from the venerable name of S. Jerome, the story never could have obtained a hearing. But besides the suspicion justly felt of any so late statement, the purport of which is seriously out of harmony with the general course of history, there are specific reasons for rejecting it.

We shall not specially insist that Alexandria furnished some of the most eminent and voluminous of patristic writers, in the interval between Irenæus and Hilary Ambrosiastee. It is true, the remains of Origen, Clement, Dionysius, and Athanasius betray no knowledge of that primitive Presbyterianism of which the supposed condition of their own city continued to be a survival. But this is not so strange as that the historian Eusebius should know nothing of a peculiar constitution of Alexandria, or of a radical change in that conspicuous see, just consummated in his own generation; for it is the business of the historian to note these things, while the Fathers above mentioned scarcely touch upon the Church's polity at all. They have not been cited, however, altogether without reason. From Origen indeed we glean a single passage. He, it will be remembered, is authority for what he calls the tradition of the elders, that S. Paul made Caius first Bishop of Thessalonica. S. Clement, though still meagre and incidental is equally clear in his faith, that episcopacy was the primitive government. Dr. Lightfoot, it is true, instances this Father as one of those who still regarded the episcopate as a single order with the presbyterate. But S. Clement affirms that, "S. John went about from city to city, his purpose being in some places to establish bishops."<sup>1</sup> Nor is he content to regard the episcopate as a caprice of this apostle, for he says: "How many myriad precepts are there, recorded in Holy Scripture, directed to men in particular capacities, some dealing with presbyters, some with bishops, some with deacons."<sup>2</sup> Evidently, says Dr. Lightfoot, Clement was led by the usage of his day into the error of thinking bishops and presbyters distinct officers in Holy Writ. And we would add, nothing better than this admitted error could show S. Clement's ignorance of any primitive Presbyterianism. Indeed, his estimate of episcopacy was fancifully high, as may be seen by the following quotation from the *Stromata*: "Orders," he writes, "in the Church here below, viz. bishops,

<sup>1</sup> Ques. Div. Salv. 42.    <sup>2</sup> *Pædag.*, c. 3, p. 12.



presbyters, and deacons, are imitations, as I think, of the angelic glory, and belong to that same (i.e. the heavenly) economy."<sup>1</sup> Now let a plain man ask himself: Could S. Clement have so expressed himself without embarrassment if, in fact, in his own see-city, the hierarchy was constituted as Eutychius would persuade us?

The personal careers of Origen and Athanasius, especially of the latter, are even more difficult to reconcile with the Eutychian description, than the language of S. Clement. Origen, as is well known, became involved toward the end of his life in a most distressing controversy with his diocesan, Demetrius. The question at issue, moreover, was a question of Holy Orders and the canons of ordination. Demetrius had refused to ordain Origen. But while upon a visit in Palestine, the great teacher was persuaded by certain of his episcopal admirers to permit himself to be ordained presbyter. In the controversy which ensued—a controversy involving the chief figure of the Church of that day, the Palestinian bishops generally sympathised with their guest. It was felt that Demetrius had acted with needless harshness. Origen, himself, believed that he did not receive justice. Yet it is certain that throughout the incident neither he nor any of his supporters intimated that Demetrius over-stepped his rights as head of the Alexandrian Church, nor was he ever bidden remember that he was but a presbyter-bishop, still less that in Alexandria the bishopric was peculiarly Presbyterian.

The history of Athanasius is more to the point. The great Patriarch throughout a long episcopate was opposed by a bitter faction in Alexandria. Again and again, trumped-up charges were preferred against him before ecclesiastical courts and before civil tribunals, to secure his deposition. Now according to Eutychius, Athanasius was the first bishop of Alexandria to be ordained by bishops. It was his predecessor, Alexander, who issued a decree abolishing for the future the old method of Presbyterian

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<sup>1</sup> Strom, c. 1, p. 6.

consecration. Jerome, indeed, is at variance with Eutychius here, as in some other details of the story, and makes the change date from Dionysius (249 A. D.). Upon this discrepancy, allowed to be considerable, Dr. Lightfoot remarks that it is reasonable to adopt Ritschl's explanation, to the effect that Dionysius attempted to introduce a change, but that so great an invasion of their rights being sharply resisted by the Alexandrian presbytery, the contest lasted until the days of Athanasius. Certainly, Ritschl is judicious in thinking that the supposed change would meet with sturdy opposition (although no sign remains of this imaginary struggle of sixty years), but is it supposable that the adversaries of S. Athanasius who objected to him many things true and false, who were incensed at his elevation and quite ready to allege any irregularity, should have failed to raise the cry that ancient liberties were invaded?

The direct evidence in the case of Alexandria will be found substantially reducible to the famous passage of S. Jerome. As for Eutychius, he is so very late (933-40 A. D.), and his character for accuracy is so very bad, that even Dr. Lightfoot acknowledges he would have no weight if he were not supported by his predecessors. Now here, truly, is a strange situation. Jerome tells us only that the Alexandrian presbyters nominated their bishop; but we are required to infer that they also performed the consecration, because Eutychius says so. That is, Jerome's testimony fails Dr. Lightfoot in the crucial fact, but the essential fact is supplied by Eutychius.<sup>1</sup> The unsupported evidence of Eutychius, however, is utterly worthless. What, then! Is not Eutychius supported by Jerome? The fact is, Eutychius exhibits all the familiar features of a credulous chronicler. He is shown to have been strangely ignorant of the history and origin of his own see in other particulars than episcopal elections. He gives no authority for his statements. He embellishes and enlarges the statement of

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<sup>1</sup> Eutych. Annal., i, p. 331.

Jerome. In his hands, the custom which Jerome relates as a nomination, an election—"unum ex se *electum*, in excelsiori gradu collocatum, episcopum *nominabant*"—has become a consecration by presbyters. He is ready with history to explain the anomaly. There was no bishop in Egypt except the patriarch until the days of Demetrius. He knows the stages of the evolution. Demetrius consecrated three suffragans, Dionysius, fifty years later, twenty more. The custom which Jerome does not venture to bring nearer his own days than the episcopate of Heraclas, Eutychius, writing five hundred years later, prolongs until the Council of Nice. It is surely surprising that such a critic as Bishop Lightfoot, whose caution rejects the statement of Theodoret as to the appropriation of the term bishop to the superior order of the clergy as a late and baseless opinion; who hesitates to accept the opinion of Dionysius, of Corinth, reported by Eusebius as to the episcopate of the Areopagite at Athens, because he cannot be certain that Eusebius quotes verbatim; who pronounces the statement of Origen as to the episcopate of Caius in Thessalonica valueless, because Caius was a common name; who appears never in a whole-hearted, unqualified, and final manner to have accepted the episcopate of S. Clement, of Rome, it is surely surprising to find this scrupulous and eminent critic championing the novelties of a Eutychius.

As little reliable for Dr. Lightfoot's purposes is the authority of Hilary Ambrosiastee.<sup>1</sup> "In Egypt," writes this Father, "the Presbyters seal," *i. e.*, explains Dr. Lightfoot, ordain or consecrate, "if the Bishop be not present." There is in the original of this passage a various reading for *seal*, viz., *consignat* or *consecrat*, and because, as we may suppose, Dr. Lightfoot cannot decide in his own mind which is the preferable reading, he gives prominence to *consignat* in his translation, and to *consecrat* in his citation of the text. Nothing could be more impartial. But it might seem to some hardly safe to press Hilary as a witness to Presbyterian

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<sup>1</sup> Quest. V., et N. T., p 101.

orders at Alexandria. Of course, everybody knows that the passage is ordinarily read *consignat*—seals, and is referred to confirmation. Such, *e. g.* is the treatment of Bingham.<sup>1</sup> But even if the canon, that the more difficult reading must always be preferred, should obtain, we should have no assurance that Hilary referred to anything more than the conferring by presbyters of the inferior orders, a sufficiently common practice.

The question, then, reduces itself to the statement of S. Jerome. His exact language is as follows: "At Alexandria, from Mark the Evangelist down to the times of the Bishops Heraclas and Dionysius, the presbyters always nominated as bishop one chosen out of their own body and placed in an higher grade, just as if an army were to appoint a general, or deacons were to choose from their own body one whom they knew to be diligent and call him Archdeacon."<sup>2</sup> It is noticeable that while Dr. Lightfoot finds here an inferential consecration, many earlier Presbyterian controversialists viewed the passage very differently, declaring that S. Jerome plainly taught that no consecration whatever was necessary—election, nomination, Presbyterian appointment sufficed.<sup>3</sup>

S. Jerome's true meaning may best be ascertained by a review of his theory of the episcopate. As our author points out, the identity of the titles bishop and presbyter in the New Testament was early forgotten. Irenæus, Clement even, thought that the terms distinguished ranks in the hierarchy. The critical studies of S. Jerome speedily detected this error, and he was at pains to publish his discovery. Naturally it seemed to him more important than it does to some of this day; he felt obliged to assume some original identity of power and rank which should correspond to these interchangeable titles. He speaks as though the two orders were not merely entitled alike in the New Testament, but as though they were still *de jure* the same in his own time,

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<sup>1</sup> Antiq., XII, c. li, p. 2.    <sup>2</sup> Epis. ad Evag., p. 46.    <sup>3</sup> Vide Skinner's Truth and Order, p. 221.



when the actual distinction was unquestionable. "The Apostle plainly shows," he says, "that presbyters are the same as bishops."<sup>1</sup> Again, "If anyone think the opinion that the bishops and the presbyters are the same, to be not the views of the Scriptures, but my own, let him study the words of the Apostle to the Philippians."<sup>2</sup> The important thing to observe in these citations is this, that S. Jerome writes purely as a critic, as an exegete. He gives us his inferences from Holy Writ, but he does not appear in the character of a witness to primitive fact, or as testifying even to universal tradition. As for his exegesis, whose truth no one questions, it was made the more natural, because he most likely held that view of the ministry now current in the Church of Rome, viz., that bishops and priests form a single order, the priesthood is the feature of their ministry, beside which every other difference sinks into nothingness. So viewed, all priests are really "the same." "What," he says, "is a bishop except the first presbyter; *i. e.*, the High Priest."<sup>3</sup> Holding these speculative views as to an essential identity of the two orders, S. Jerome was next driven to account for the difference by which they were so widely distinguished in his own generation. For this, too, he has a theory. Arguing plainly from the case of the Church at Corinth, he tells us that: "Before factions were introduced into religion by the prompting of the devil, the Churches were governed by a Council of Elders, but as soon as each man began to consider those whom he had baptised to belong to himself, and not to Christ, it was decided throughout the world that one elected from among the Elders should be placed over the rest, so that the care of the Churches should devolve on him, and the seeds of schism be removed."<sup>4</sup> This, we must repeat, is pure speculation and entitled to not a whit more respect than would be the views of any scholar to-day. It represents episcopacy as S. Paul represents the law—as a device "added because

<sup>1</sup> Epis., 46.    <sup>2</sup> Ad. Tit. I, 5; Ep. 46.    <sup>3</sup> Quaest. V. et N. T. c. 1.    <sup>4</sup> Ad. Tit., I, 5.

of transgressions." But even the law was divine and just so for S. Jerome episcopacy was apostolic. It was a world-wide institution, established by the inspired founders of the Church. "The Apostles," says he, "the Apostles ordained S. James Bishop of Jerusalem."<sup>1</sup> "Timothy was ordained Bishop of Ephesus by S. Paul, and Polycarp Bishop of Smyrna by S. John."<sup>2</sup> "Lowliness of poverty," he says in another place, "makes a bishop neither greater nor less; they are all successors of the Apostles." "We may know," he writes again, "that apostolic tradition was taken from the Old Testament. That which Aaron and his sons and the Levites were in the temple, let the bishops, presbyters, and deacons claim to themselves in the Church."<sup>3</sup> Language could hardly be plainer to show that apart from all theories as to the motives or causes for the institution of episcopacy, apart from all private opinions as to a coëquality existing between bishops and presbyters due to an essential oneness of the sacerdotal character, S. Jerome believed the episcopate to be an apostolic, universal ordinance, and was absolutely without suspicion of any gradual introduction of the bishopric among Greek or other Churches after the decease of S. John.

For differences between the two orders he names first, as we have seen, government: "Upon the bishop was to be devolved the care of the Churches." But he adds also that the bishop alone had the power of ordination. This latter most important statement occurs in that Epistle to Evagrius, in which the account is given of the Alexandrian Church. The design of this letter, it will be remembered, was to rebuke the pride of the Roman deacons. Being but seven, in imitation of the number originally ordered, and charged with most important duties in the foremost Church of Christendom, the Roman deacons had become puffed up and despised the more numerous and often, no doubt, individually inferior priesthood. S. Jerome writes denouncing the audacity of certain persons "who would give to deacons

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<sup>1</sup> Catal. Ill. Writers.    <sup>2</sup> Epis. ad Evag.    <sup>3</sup> Epis. ad Evag.

the precedence over presbyters ; that is, over bishops." He then alleges scriptural proof of the identity of the two higher orders. He proceeds to strengthen his contention for the dignity of the presbyterate by noting certain unusual prerogatives enjoyed by presbyters from apostolic days in the Church of Alexandria. Why they actually determine the bishop there. What dignity ! Even a bishop may not despise them. "For what," he continues in immediate connection with this history, "does a bishop do which a presbyter may not do, except ordain?" We venture to submit that in view of this distinct declaration of S. Jerome that presbyters cannot ordain, and remembering its immediate connection with the statement as to the Alexandrian Church, we must naturally conclude that there was no Presbyterian ordination even in Alexandria, and Dr. Lightfoot's comment, that though Jerome's direct statement refers only to appointment of the patriarch, "yet it may be inferred that the function of the presbyters extended also to the consecration" is not in accordance with his usual caution.

The examination of these writers of the latter centuries, cited as witnesses to a supposed survival of original Grecian Presbyterianism, affords to our mind even less ground for this theory than the writings of more contemporaneous authors. The text of Ambrosiaster is uncertain, and, however read, not necessarily Presbyterian. Eutychius is nearly ten centuries after the facts, and, though perfectly clear and satisfactory in his statements, untrustworthy in general character and without support in the past, unless in the person of Jerome. There remains the great Latin Father. But though he had speculative opinions and spoke somewhat slightly of the episcopate, he regarded it as an apostolic legacy to the entire Church, assigned to it exclusively government and ordination, and in his most extreme argument in his history of the Alexandrian presbyterate, declares the dignity of his copresbyters subject to this limitation—they could not ordain. Most admirable, therefore, in its calm impartiality, is the conclusion of the

Irish theologian, Dr. Salmon, to this effect: that perhaps we must admit that the episcopate of Alexandria was characterized by some peculiarity, that what that peculiarity really was we cannot say, but that in all probability it was not that which Eutychius describes.

It is likely that to many minds the results of such a critique may appear far from conclusive. Not a few of us are perplexed and irritated by the mere fact that men of great learning and character can express and have expressed contrary opinions upon the same data. We demand certainty, unanimity. Failing that, we deem skepticism truth. Since nothing can be affirmed which may not be denied, therefore no affirmation is entitled to belief. But for minds which know that outside of physical science probability is the universal rule, it may, perhaps, appear that ancient authors make it altogether preponderatingly probable that episcopacy in its essentials was an apostolic institution, obtaining throughout the length and breadth of the most primitive Christian Church.

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## MUNICIPAL PRIMARIES IN THE SOUTH.

The government of a great city in America is worthy of the most serious study by all persons interested in the welfare, not only of our increasing urban population, but of the whole country. The pivot upon which everything turns is the mode in which nominations for office are made in the dominant party. Most citizens in times of profound peace fail to see that the initiative for good government begins with the managing committee of the party able to elect its nominees. All astute practical politicians realize and act upon this fact, and the result frequently is that good men are defeated by their inferiors, and sometimes by persons who are so far from being the choice of the people that they are not even well known. The party primary is the fountain of representative government. Impurity there will pollute the whole public service, degrade the dominant party, and seriously injure its members. In the present era of our progress a clear conception of the importance of the manner in which nominations are, or should be, made is absolutely necessary to the successful working of party government, especially in the Southern States. As the cities have far more influence than ever before, reform must begin with them. But before taking up the main topic of this paper, which it may be well to say at the outset, is chiefly based on a long experience with party government in the city of Richmond, Virginia, we must briefly consider that feature of Southern civilization which sharply separates its political methods, national, State, and local, from those of any other section of this country—we mean, of course, the race problem.

The race conflict has resulted, as everyone of deep thought easily foresaw, in the unquestioned supremacy of the whites. This could not have been different. The negro

was transplanted from Africa, as a form of cheap labor, by an imperious people who were cleaving a road through the primeval forests of America. They could not use the Indians for that purpose, as they were a race of savages who would not accept civilization in any form. The English people simply drove out one savage and put another in his place. By and by the latter was emancipated and the ballot put into his hands. Notwithstanding this the Southern people have made intelligence overpower numerical superiority and ignorance just as their British brothers have done in India.

When Warren Hastings was made Governor-General of India, he was directed to make the safety and prosperity of that country the first object of his attention. He carried out his instructions and was afterwards impeached for cruelty and oppression of the natives. John Stockdale, an eminent publisher, pending the impeachment proceedings, published an article in defense of Hastings. For this he was prosecuted for libel on the House of Commons, and tried before Lord Kenyon and a special jury at Westminster December 9th, 1789. He was successfully defended by Lord Erskine, whose eloquent address to the jury contains a passage well worthy of the careful consideration of all students of politics, especially Southern politics:—

“If it be true that the security and preservation of our possessions and revenues in Asia were marked out to him as the great leading principle of his government, and those possessions and revenues, amidst unexampled dangers, have been secured and preserved, then a question may be unaccountably mixed with your consideration much beyond the consequence of the present prosecution, involving, perhaps, the merit of the impeachment itself, which gave it birth—a question which the Commons, as prosecutors of Mr. Hastings, should in common prudence have avoided; unless, regretting the unwieldy length of their proceedings against him, they wished to afford him the opportunity of this strange anomalous defense. \* \* \* \* \* The

unhappy people of India, feeble and effeminate as they are from the softness of their climate, and subdued and broken as they have been by the knavery and strength of civilization, still occasionally start up in all the vigor and intelligence of insulted nature. To be governed at all they must be governed with a rod of iron, and our empire in the East would long since have been lost to Great Britain if civil skill and military prowess had not united their efforts to support an authority which Heaven never gave, by means which it never can sanction."<sup>1</sup>

The situation was not quite the same in the Southern States as in India. It was a race conflict in a very insidious form, but with the eloquence of no Erskine to urge them on, the white people of the South have maintained their civilization intact and held their power over an inferior race. The blight of slavery is gone and the civilization that gave George Washington to the world now presents an unbroken front from the Potomac to the Rio Grande. The desperate struggle for it has cost a great deal, for it has tended under the conditions, with which we are all familiar, to encourage fraud, and fraud and cunning are not the attributes of a great people. As to whose mistake it was to arm the freed negro with the ballot, or in what spirit the franchise was conferred upon him, this is neither the time nor the place to inquire. The question with which the Southern people had to deal was unexampled in history. It had to be met, but not in a spirit of compromise. In no other age of the world could it have arisen. In the eighteenth century, for climatic reasons, and in some few instances from philanthropic motives, men began to regard slavery as an evil. But few, if any, then thought of giving to the slaves their freedom and an equal right with white men in the government: That proposition was first seriously advanced by Brissot in the French Revolution. Being a slave to the idea of abstract justice, and a follower of the impractica-

<sup>1</sup> Speeches of Lord Erskine; by Edw. Walford London, 1880, pp. 225, 226.

ble theories of the Girondins, he said: "Perish our colonies sooner than that one act of injustice be done!"<sup>1</sup>

The ill-advised and sudden abolition of slavery resulted in the loss of San Domingo to France and in a horrible slaughter of the slave holders.

When our civil war was over, the leaders of the dominant party put the ballot into the hands of the negroes who, as a body, have always misused it. It is not generally known that at an early period of Virginia's history, negroes, Indians, and mulattoes were allowed to vote. They continued to have this right until 1723.<sup>2</sup> The privilege was not interfered with until it was seen that they were growing sufficiently numerous to have some voice in the government. The same right to vote is freely conceded them in all white communities to-day where they are in small minorities. But the English-speaking white people will not tolerate anything which interferes with their right to govern themselves.

Let us take a single instance. It was soon seen in the city of Richmond, as in every other Southern centre of population, that it would be impossible for white supremacy to last unless the whites voted as a unit. This they have done continuously, in the main, so that the city has always been Democratic. Its majority has increased yearly. In the year 1892, it gave Grover Cleveland 6,850 majority over Benjamin Harrison. This is its greatest majority given in any presidential election.

The initial point of municipal government is the party committee of the dominant party. No work outside of that organization counts for anything in any Southern city, and it never will so long as there is the race question to confront voters. This fact seems, however, to have escaped the attention of so careful an author as Mr. Daniel S. Remsen, of the New York Bar, who has recently made an excellent study of primary elections in a volume of the

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<sup>1</sup>H. Morse Stephens, *French Revolution*, vol. II, p. 279. <sup>2</sup>Revised Code of Virginia, 1819, Vol. I; p. 39. *Note.*



"Questions of the Day" series.<sup>1</sup> He evidently knows nothing of Southern elections, for he makes no mention of this growing section of our Union.

It is evident that the features of party organization are very much alike throughout the United States, always with the notable exception of Tammany Hall. The regular gradations of this organization are the primary, the committee, and the convention. There is but one part of the modern political organization which in any degree resembles the pure democracy of Athens or that of its famous successor, the League of Achaia, and this is the primary of the dominant party. There, every voter who participates exerts his political influence, whatever it may be, in person and not by representation. This is the only survival of the great town autonomy of Greece. It was found impossible to extend it over a sparsely settled country, as the failure of the League of Achaia plainly demonstrated. Neither Greeks nor Romans had any clear conception of representative government. Their ideas extended no further than the representation they were able to get by a personal participation in the government. The failure of the Roman Republic in the time of Julius Cæsar is attributed, by the profoundest writer on the subject, to its lack of a representative constitution.<sup>2</sup>

As soon as we leave the primary, the principle of representation begins. The voters elect the committee, and the committee, so chosen, makes the party rules and regulations. The simplest way to get the real will of the voters is by a fairly conducted primary, where all members of the dominant party freely participate, and have their votes honestly counted. The greatest curse of this country has been the once popular *viva voce* system of voting. It has proved a complete failure. It enabled any powerful man to force timid persons into supporting him or his measures. This individual could have his representative at each precinct

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<sup>1</sup> Primary Elections, Remsen; G. P. Putnam's Sons, 1894. <sup>2</sup> Mommsen's History of Rome, vol. IV., p. 363.

and keep a list of all the persons who dared oppose him, which enabled him, after the election was over, to take his petty revenge. But above all else, it encouraged those whisky-soaked tramps, who used to infest the precincts on election day and hold tickets for the unfortunate candidates, who were compelled to employ them. That the Australian ballot system has deprived these worthies of their calling, was demonstrated by the primary election held in the city of Richmond on the 26th of April, 1894.

The idea of primary elections is that nominations for office must come directly from members of the party rather than from a central power within the party. A blanket ballot, secret voting, and a vote of membership of the party in city elections, all conduce to this end. But to arrange the preliminaries and details of such elections a more or less permanent central body is required. The Richmond City Democratic Committee is composed of thirty members, each of the six wards into which the city is divided sending five representatives to serve upon it. Until the election, held in April of this year, members of the committee had always been chosen in ward meetings, held biennially, in the month of June previous to each congressional election. Its officers are a Chairman, Vice-Chairman, Secretary, Treasurer, and Sergeant-at-Arms, the latter not a member of the committee. The committee, so constituted, fills all vacancies caused by death, resignation, or removal. The rules by which it is governed have for years been the rules of the House of Delegates of Virginia so far as they are applicable. It may be of interest to state that for more than a half century the manner of counting a quorum by these rules has been identical with the famous plan pursued by ex-Speaker Reed, of the United States Congress.

Immediately after the organization of the committee in July, 1892, the work of the presidential campaign began. There was no sure way of getting at the real strength of the party, as up to that time there had never been a registration of its members. The committee made a house to

house canvass of the whole city. The canvassers were required to ascertain the color of every voter, his residence, and to what party he owed allegiance. When the returns came into headquarters, they were gone over very carefully and the party managers were fully advised as to who was properly registered and how many votes could be counted upon, weeks before the election. The detail work of the committee was tremendous. The organization of the dominant party was far more thorough than that of its opponent, and the result was unprecedented in the history of Richmond. The thoroughness of the political victory thus gained was entirely due to the way the successful party was handled, and there was no question as to the object which that party proposed to itself, viz.: to assert then and for all time the necessity of white supremacy.

However hard the committee worked in 1892, they had onerous duties to perform the next year which kept them constantly occupied from May to November. That year a Governor of Virginia had to be nominated and seven members of the State General Assembly. Owing to very peculiar conditions, public interest immediately centered upon the nomination for the Legislature. Everyone understood that these seven representatives would participate in the election of a United States Senator. There were a great many other offices to be filled also, but the interest felt by the public in the struggle for this glittering prize overshadowed everything else. Many names were mentioned, but in reality there were but two candidates. One of them, a man with hosts of friends, a brilliant record in the civil war, and a family name famous all over America, regarded victory as certain. He had been Governor of Virginia, and was deservedly very popular. Many of his most ardent supporters never stopped to think of any opposition, but looked upon his election as a foregone conclusion. His opponent, a great favorite with the young men, had fought at the famous battle of New Market as a member of the cadet corps of the Virginia Military Institute, had practised law

with great ability and success, and been a member of the State Democratic Committee for years, and an active and determined party worker. He had never held any public office nor been a candidate for any except that of United States Senator, when a vacancy occurred by the death of Hon. John S. Barbour. It was known that two-thirds of the members of the Legislature, then in existence, had recommended him to the Governor as a proper man to succeed Mr. Barbour. The public had no other means of judging of his strength. But the supporters of the other candidate attached no sort of importance to this action of the Legislature, and expected to elect their man easily.

The canvass was an exciting one. The prominent candidate spoke everywhere, but his opponent never opened his lips during the canvass; nor has he ever yet addressed a political meeting or written a line on politics for publication. But one other man had ever fought his way to fame in Virginia without speaking or writing on political issues. That was Thomas Jefferson.

This senatorial contest had a tremendous effect on the City Democratic Committee. It had been the custom more frequently than otherwise to nominate candidates for the Legislature by means of a party convention. A majority of the committee were supporters of the popular candidate, and at first favored nominations by this means because the representatives so chosen could be instructed by the convention to vote for their choice for United States Senator. A public discussion of the question was kept up all the summer, but in September the committee, knowing it to be the wish of the public, decided to have a primary. Its result was that the less known man, when he was made Senator, received two votes from the city of Richmond, which was regarded as his opponent's stronghold. The latter's managers lost because they failed to recognize the overwhelming popular demand for a primary, and the whole affair is a striking proof of the efficiency of that system of choice in giving representation to a minority within a dominant party.



It is probable that no other mode of election will ever be tolerated in the future. It will always be popular, and the only thing that interferes with the permanent adoption of the plan is the expense. The custom of requiring candidates to pay the costs of elections is satisfactory in municipal elections, but when there are only a few candidates, such as those who might seek a congressional nomination, then the problem is much more difficult to deal with. A rich man can have the field to himself until some more equitable means are resorted to, so that all persons can have equal chances inside the party. Perhaps it would be wise to have the public treasury bear this burden, but much can be said against the plan.

No American community will submit indefinitely to bossism and ring rule, but periodical uprisings of the people to shake them off are not healthy, sound remedies. Of course, such uprisings are better than no remedy, but they fail to furnish satisfactory government. Careful selection of party nominees by primary elections, honestly and intelligently conducted, is the only safe means for the dominant party to furnish good municipal government.

Every day demonstrates the truth of the utterance of the great poet of the human passions that "corruption wins not more than honesty." Yet the true fight made by the people for good government is made at the time the candidate is selected for nomination and not when he is voted for in the general election. Party ties are necessarily so strong in the South that the defeat of the party nominee cannot be considered. But public opinion will not continue to uphold any system which is essentially unjust. A party which gives shelter to men and means repugnant to the spirit of the age must surely fall.

On the 23d of February, 1894, the General Assembly of Virginia legalized primary elections for Richmond. The law authorizes any political party, previous to any general election, held for the purpose of electing any State, Municipal, or Federal officers, to hold a primary election "upon

such rules and regulations as may be prescribed by the local Executive Committee of such party," (who are now elected by primary) provided that the expense of conducting the same shall be borne by the party holding it. The officers of such primary are given all the rights and subjected to all the penalties of officers of the regular elections. So far as tried, it has given great satisfaction. None but white persons have ever been allowed to participate in the Democratic primaries. The Republicans have never held a primary election.

Despotic governments are always simple to manage, because the wishes of but few have to be consulted. Government in our country is very complicated, because of the great freedom of individuals. On August 8, 1788, the King of France summoned the States-General to meet at Versailles on May 1, 1789. The people had not been called upon to elect representatives for such a long time that they did not know how to do it. Minute directions were given by the government. If the government itself had chosen to do so, it might, perhaps, have averted the French Revolution, by controlling the primary assemblies.<sup>1</sup> But our greater individual freedom brings with it greater individual responsibilities. Each of us owes to the public the duty of doing his part toward good government, and no one, at least in the South, can exercise his right to more advantage than in a primary election.

S. S. P. PATTESON.

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<sup>1</sup> H. Morse Stephens, *History of the French Revolution*, vol. I., p. 10.

## THE RELATION OF JUDICIAL POWER TO UNCONSTITUTIONAL LEGISLATION.<sup>1</sup>

The paper of Professor Thayer on this important subject was read in August last before the Congress on Jurisprudence and Law Reform at Chicago. It states the question to be—How did our American doctrine, which allows to the judiciary the power to declare legislative acts unconstitutional, and to treat them as null, come about and what is the true scope of it? It is observed that the State constitutions did not give this power to the judges in express terms, at least, prior to 1787, and the existence of such power was denied in some quarters, even as late as 1825 by so eminent a jurist as Chief Justice Gibson of Pennsylvania. "How came we then," inquires Mr. Thayer, "to accept this remarkable practice," in accordance with which a court may declare a statute unauthorized, or void, and disregard or, practically, annul it?

Mr. Thayer replies that we came to adopt this practice mainly as a natural result of our political experience before the War of Independence—as being colonists, governed under written charters of government proceeding from the English Crown. The terms and limitations of these charters, so many written constitutions, were enforced by varying means—by forfeiture of the charters, by Act of Parliament, by the direct annulling of legislation by the Crown, by judicial proceedings and an ultimate appeal to the Privy Council. After the Revolution "we cut the cord that tied

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<sup>1</sup> *The Origin and Scope of the American Doctrine of Constitutional Law*: by James Bradley Thayer, Weed Professor of Law at Harvard University. Boston: Little, Brown & Co., 1893, pp. 30.

*An Essay on Judicial Power and Unconstitutional Legislation, Being a Commentary on Parts of the Constitution of the United States.* By Brinton Coxe, of the bar of Philadelphia. Philadelphia: Kay & Brother, 1893, pp. 415.

"The Judicial Power": *New York Nation*, Sept. 23 and Oct. 19, 1893.

us to Great Britain and there was no longer an external sovereign." The people took his place, the constitutions came to represent a sovereign power higher than the legislature and the judges on this theory undertook, not without much dissent however, to declare statutes to be unauthorized and impotent when such statutes were repugnant to this organic law.

Professor Thayer gives an interesting review of some leading American cases, which will hereafter be referred to in this paper, and closes with some valuable reflections upon the disadvantages that result from pushing too far the power and responsibility of the courts with respect to this subject, which will be quoted from.

The essay of Mr. Brinton Coxe is laid out upon a much larger scale, and it is a subject of deep regret that it should have been left incomplete by his death. It was hoped that he might have been spared much longer to pursue his minute and enthusiastic investigation of these and kindred questions. Descended from a long line of thinkers and scholars, well-bred and well educated, resisting the temptations of hereditary wealth and devoting himself with untiring zeal to serious studies in history and law, his labors both as an officer of the Historical Society of Pennsylvania and as a jurist, were of great and constantly increasing value. Fortunately, the first volume of his work on the "Judicial Power" was finished before he passed away, and, as pointed out in the preface of the learned editor, W. M. Meigs, Esq., the outline of the author's purpose as to the second volume was made clear. The first volume, as now published by the executors of Mr. Coxe, is "The Historical Commentary." The second volume was intended to be a commentary on those texts of the Constitution of the United States in which the power under consideration is supposed to be distinctly embodied.

In view of these valuable essays by Professor Thayer and Mr. Coxe, as well as the interesting papers in *The Nation* above cited, it may be of some use to consider their subject



from the point of view of the doctrine of evolution, a doctrine which must come to be more and more important in the history of law and of institutions, as well as in natural science. It may safely be affirmed that every good legal doctrine has had its origin in some remote past, and we shall often discover in its development a struggle for existence, a survival of the fittest, a variation in conformity to an environment. There are curious examples, also, of survivals of what has become rudimentary and useless. Thus, if we read the civil code of Louisiana and find the curious provision that a woman cannot be a witness to a will, we should make a great mistake to think that this ridiculous prohibition was devised by Mr. Moreau-Lislet or Mr. Livingston. It is a manifest survival in the civil law of the time when, in early Roman history, a man made his will by word of mouth, in an assembly of his tribe, and the persons who were present undertook to remember the testamentary dispositions. There were no women in those assemblies, and so we go on in ovine procession and continue the rule in an American State, that a woman cannot be a witness to a will.

When the Romans were a wild tribe among the hills along the Tiber, they suffered often for want of food, and in times of scarcity would expose their female children in the woods and let them die, and the rule was that this might be done on advice and consent of five of the nearest relatives of an infant. Now, in Louisiana, when we wish to deal with the affairs of a minor, and, sometimes, when we wish to rob a female minor, we ask the Judge to convoke a family meeting of five of the nearest relatives, who proceed to advise the court. So hard is it to escape from the ties of the past. So persistent are human ideas.

There is a great writ in England and America, known as *habeas corpus*. It has often been the theme of writers who have ascribed its origin to early English times. We have even heard that it was invented by the barons who wrestled with King John at Runnymede. Yet it requires but little investigation to find that it was fully provided for in the

Pandects of Justinian, and known long before that compilation. It was known in Aragon at a very early period under the name of the writ of "Manifestation."

Let us, however, return to the immediate subject, which is, the power exercised by courts in the United States to declare acts of the legislative branch of the government unconstitutional, null, and void. We find that this very important power is often declared to be something unique, exceptional, and even aboriginal. Some people seem to think that it has appeared in America by a kind of spontaneous generation. But spontaneous generation is a very unsafe theory and has been pretty much exploded in other regions of science. Is it not equally unsafe to assume that such an important power as that we are now considering made its appearance in America, a hundred years or so ago, falling like a meteorite from the sky? It seems that when we make this assumption we forget who the men were that built up the future of American state-hood, in the early times; what students they were of every record of the past, and how eagerly they availed themselves of every suggestion of history, whether it came from Palestine, Rome, Switzerland, Germany, France, Holland, or England. These men did not have so many books as we, but they, perhaps, read them more carefully, and it is not impossible to trace some of the germs which were brought across the Atlantic during the seventeenth and eighteenth centuries and which grew up into the doctrine we are now considering.

It is highly probable that under the law of the Talmud, long prior to the christian era, the Mosaic code was considered to be fundamental and organic, and the Sanhedrim might declare legislation null and void so far as it infringed the rules of this Mosaic constitution.<sup>1</sup>

Whether this doctrine was known in our colonies or not is difficult to determine, but there were three doctrines of the Roman law which are suggestive and might have been

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<sup>1</sup> This suggestion has been furnished by Mr. E. T. Florence, of the New Orleans bar, referring to Rabbinowicz, *Legislation Civile du Talmud*.

familiar to our fathers. The first was the doctrine of fundamental law known as the *Ius Legum*. This *Ius Legum* resembled, in a way, a constitution. Thus the *Lex Cæcilia et Didia* was a portion of this *Ius Legum*, or "law of laws," which prohibited the proposal of any law containing two or more matters not germane. It was essentially what it has been found necessary to insert in our modern State constitutions to prevent "omnibus legislation," namely, a declaration that no statute shall contain more than one object. Cicero refers to the matter in one of his orations concerning Clodius, and reminds his hearers that the Senate, in a sort of judicial capacity, had decided that the laws of Marcus Drusus were not binding, because enacted in violation of this rule.

The second matter is that provision of the code of Justinian which enjoined on the judges to treat as *invalid* any rescript of the Emperor which was "contrary to general law, or which had been illegally obtained." This certainly looked in the direction of the judicial power now under consideration.

The third doctrine of the Roman law which is suggestive is that of "Mandate." In private matters an agent must not exceed his authority or mandate. But this rule was applied to public matters also, by such writers as Grotius and Vattel, who considered, theoretically, that a legislator acted under a mandate, the limits of which he must not exceed. And in the great case of *Trevett vs. Weeden*, in Rhode Island, in 1786, a year before the Constitution of the United States was framed, Mr. Varnum, the distinguished counsel who argued for the unconstitutionality of the statute in question, there cited this doctrine from Vattel.

We may be satisfied, then, that these principles of the Roman law were known in America in colonial times.

In the year 1648, a case was decided in the court of the Rota Romana concerning land in the Roman territory,<sup>1</sup> in which it was judicially determined that legislation of the

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<sup>1</sup> Coxe, p. 123.

Republic of Genoa was null and void as contrary to the liberty of the Church, that is, as contravening the Canon law which was historically a part of the constitutional law of every land of "Roman obedience."

In France it is well known that what were called *Parlements* were judicial courts, although they had some powers that were extra-judicial. Now, in what were known as the Regency Cases, occurring from 1643 to 1716, the Parlement of Paris held that certain enactments of the King were contrary to the law and usage of the kingdom. These were cases of great public concern, and while they were not precisely like our contentions in America as to the validity of statutes, yet they exhibit a judicial court holding a kind of legislation to be null and void, as contrary to the "binding right" of the realm. And these decisions were the subject of comment in England, and must have been known in our colonies.

It has been taken for granted in England, in later times, that no court could declare an act of the British Parliament unconstitutional, and this, in a way, has been true since 1688, and has, perhaps, been one of the reasons for the somewhat careless theory that our American doctrine is something unique, novel, and autochthonous. But there were some curious cases in England, before 1688, which express a different rule. For example, in the case of the Prior of Castlaker *vs.* the Dean of S. Stephens, reported in the Year Book of 21 Henry VII., it was judicially determined that an act of Parliament could not make the King to be a parson. In other words, the Canon law, being then a part of the constitution of the land and the act in question, attempting to make a parson without the consent of the Supreme Head of the Church, the act was invalid. In the earlier case of Rous *vs.* an Abbot, a statute was held to be void. This was in the twenty-seventh year of Henry VI.

The case of Godden *vs.* Hales, in the King's Bench, in 1686, was famous as leading up to the Revolution of 1688. The court plainly held, in reference to that decision, that



certain provisions in the statute of 25 Charles II., cap. 2, were null and void, as infringing the prerogative of the King—his dispensing power. In other words, as construed, the act was unconstitutional. And in this controversy reference was made to the case of the Sheriff of Northumberland in the second year of Henry VII., where it seems to have been held that an act of Parliament might be declared inoperative as against the constitutional doctrine of the royal prerogative.

Of course, all these decisions were well known to our lawyer statesmen in colonial times, and must have had their influence.

There were cases in our colonial experience, too, which habituated the minds of our forefathers in America to the idea of legislative acts being declared unconstitutional, or, at least, unauthorized. A leading case of this sort was *Winthrop vs. Lechmere*, decided by the English Privy Council on appeal from the Superior Court of Connecticut, in 1727. The order in Council, which was in favor of the appellant, Winthrop, reversed certain judgments or sentences of that Superior Court, and also declared that a statute of Connecticut was null and void as repugnant to the laws of England, when the colonial legislature was only empowered by the charter to pass such statutes as should not be contrary to the laws of England. It is a little doubtful, as pointed out by Mr. Coxe,<sup>1</sup> whether the action of the King in Council in this cause was purely judicial, but whether it was entirely so or not, it must have had its effect on the juristic thought and habit of the American mind of that day.

Passing on to the period which intervened between the close of the War of Revolution and the framing of the present Constitution of the United States, in the summer of 1787, we have two remarkable decisions, the one in Rhode Island, the other in North Carolina, in each of which a court declared an act of the legislature to be null and void.

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<sup>1</sup> Coxe, p. 211.

One of these, *Trevett vs. Weeden*, decided in 1786, by the Supreme Court of Judicature, sitting in Newport, Rhode Island, has already been referred to. It proceeded from that *fons malorum*, paper money. John Weeden, a butcher, was sued by John Trevett, an informer, in a *qui tam* action, for large fines for refusing to take for his meat certain bills of credit emitted by the State. An act of 1786 was invoked by plaintiff, which prescribed in quite inconsistent phraseology that such cases should be tried without a jury, by a majority of the judges, "according to the laws of the land."

Weeden pleaded among other defenses that he could not be so tried without a jury, and that the act was unconstitutional in depriving him of this fundamental right to have a jury. The people of Rhode Island were then living under their old colonial charter which lasted, it will be remembered, down to the end of the Dorr rebellion. This charter was in the nature of a State constitution. The court sustained the plea of Weeden, and declared the act to be null and void as in conflict with the fundamental law. The decision created great excitement and the legislature threatened to impeach the judges. They were not impeached, but the demagogues got in their work, as they always do when there is any question of cheap money, and the judges at the close of their brief term were not re-elected.

The other leading cause was *Bayard vs. Singleton*, decided in North Carolina, in May 1782, at Newbern. The question there was in principle much the same as in the Rhode Island case. The legislature in the matter of certain forfeited estates had passed a statute which sought to deprive parties of the constitutional right to a trial by jury. The act was declared unconstitutional, and it seems clear that the news of the decision, which was the cause of much clamor, reached the Convention at Philadelphia in time to have considerable effect on the discussion of the judicial clauses of the present Constitution of the United States. The result of that discussion is well known. It ended with the adoption of two texts, as follows:—

"The Constitution, and the laws of the United States, which shall be made *in pursuance thereof*, and all treaties *made*, or which *shall* be made, under the authority of the United States, shall be the supreme *law of the land*, and the judges *in* every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

"The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties *made*, or which *shall* be made, under their authority."

These two sentences are dense with meaning. As they have been construed by the Supreme Court of the United States, and notably under the leadership of John Marshall, of Virginia, they sum up the whole doctrine, whose curious history from the time of Cicero, has been thus hastily sketched. They are the consummate flower of a growth which had been slowly developing through twenty centuries or more. The first text establishes a "law of the land," which, within its special sphere, is to be supreme. This law is three-fold.

- (1) The Constitution of the United States itself.
- (2) The laws of the United States, provided, always, they are made *in pursuance* of that Constitution.
- (3) All treaties *made*, that is, already made, or which should thereafter be made, under the authority of the United States.

And it further provides that the Judges *in* every State, whether they be State judges or Federal, shall be thereby bound, anything in the Constitution or laws of any State to the contrary notwithstanding.

The second text supplies the sufficient remedy, and, as afterwards expounded, lays down the rule, which is no longer to be the subject of speculation or controversy — that the judicial power of the United States shall extend to all *cases* in law or equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made under their authority.

It will be observed that the language of this second text, while very comprehensive, is guarded. The judicial power is to be complete and undoubted, but it is not to be a political power, it is not to be advisory; it is to extend to all *cases* in law or equity arising under the Constitution, laws, and treaties of the United States. There must be a *case*, a litigation, which involves the construction of this Constitution or of these laws or treaties, and the action of the court is not to be legislative, or executive, or advisory, or administrative, or academic, but judicial. It is to culminate in a judgment or decree. And if, in the process, a statute be found to be plainly unconstitutional, it must be disregarded.

The same doctrine is found coming to its full growth in our State constitutions and practice. It met with criticism in its early stages. So distinguished a jurist as Chief-Justice Gibson, of Pennsylvania, denied its correctness under any constitution which did not specially recognize it. As late as 1808, judges were impeached in Ohio for holding acts of the legislature of that State to be void. Similar views prevailed in Vermont and Connecticut as late, perhaps, as the year 1800. But this opposition died out, and the doctrine became fully established. The evolution became complete.

It must not be supposed that the prevalence and establishment of such a power in the courts is an unmixed blessing. It must be exercised with the greatest care. The greater and wiser the judge, the more will he hesitate to criticise the work of a coördinate branch of the government. Every presumption is in favor of the good faith and the rightful action of the legislator, and when a court, without great consideration and without plain reasons, declares a statute to be null and void, it does a great moral as well as a great legal wrong. And, as noted by Professor Thayer,<sup>1</sup> in words which are even better than learned, because they are wise, there is in America a curious reflex action of this doctrine against which we must take careful precautions. When

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<sup>1</sup> Thayer, p. 29.



judges too lightly assume to superintend the legislator and correct his work, the legislator will become careless and will easily disregard those fundamental rules of right which he ought always to keep in view. To quote at length:—

“It has often been remarked that private rights are more respected by the legislatures of some countries which have no written constitutions, than by ours. No doubt our doctrine of constitutional law has had a tendency to drive out questions of justice and right, and to fill the minds of legislators with thoughts of mere legality, of what the constitution allows. And moreover, even in the matter of legality they have felt little responsibility: if we are wrong, they say, the courts will correct it. Meantime they and the people whom they represent, not being thrown back on themselves, on the responsible exercise of their own prudence, moral sense, and honor, lose much of what is best in the political experience of any nation; and they are belittled as well as demoralized. \* \* \* \* The safe and permanent road towards reform is that of impressing upon our people a far stronger sense than they have of the great range of possible mischief that our system leaves open and must leave open to the legislatures, and of the clear limits of judicial power; so that responsibility may be brought sharply home where it belongs. The checking and cutting down of legislative power by numerous detailed prohibitions in the constitution, cannot be accomplished without making the government petty and incompetent. This process has already been carried much too far in some of our States. Under no system can the power of courts go far to save a people from ruin.”

In short, the judicial power, thus considered, is a great power, but it must be exercised with consummate caution. The courts cannot be too careful, lest they usurp a supervisory control of the law-making department of the government. Powerful remedies may be needful sometimes, but what we require mostly in the normal process of social nutrition and growth is not medicine, but food. The power

of the judiciary to declare a statute invalid and to ignore it, is now established and useful. But like every other power of government, it will bear watching with unceasing vigilance. A régime of reckless and ignorant legislation, tempered by injunction and writ of error, may be somewhat better than a despotism tempered by assassination, but it is not the ideal to which Americans ought to aspire. *Quid leges sine moribus?*

WILLIAM WIRT HOWE.

## THE FEUDAL LAWS OF CAROLINA.

If one wishes to study the purest forms of ancient English custom in America, it is not to New England with its early republican institutions, nor yet to the Middle States, that one must look. Many old institutions were indeed transplanted to those sections, and can still be clearly traced, but to study them to the best advantage, one must turn to the South; nor yet to the South of to-day, but of the earliest times, when the colonies were yet in the closest touch with the England which still clung to the remnant of mediæval custom and thought with that passionate devotion which was so long kept alive by the interests of the house of Stuart. New England was far more aptly named than even the Pilgrim Fathers themselves conceived. It was not New England only because it was to be another England beyond the sea. There was a far deeper meaning in the name, for on those bleak shores was to be planted the germ of the new life which had not yet developed in the mother island, whose dawn had scarcely been discovered by even the most far-seeing of Britain's statesmen. Here the new life and the new liberties of Englishmen were to bear full fruit long before the yeomanry at home should dare to assert the rights which they afterwards maintained so stoutly, and with such success, against the king himself. The new liberty meant the utter giving up of everything pertaining to, or growing out of, the old feudal life, and the Pilgrim Fathers pledged themselves to abandon every shred of the old system when, on that memorable morning in the cabin of the Mayflower, they drew up the constitution by which their infant State was to be governed. With the partial exception of New York, all the Middle Provinces were settled with very much the same principles in view. The colonies of Maryland, Virginia, and Carolina were the only ones

founded under strictly Cavalier influences, and it is there that we shall find many of the customs of feudal England retained, — though perhaps only in theory, — long after their very existence had been forgotten by the inhabitants of the more northerly settlements.

Of all the original colonies Carolina was, in many respects, the most unique. From its beginning, it was a peculiar institution. At the time of its founding England had just passed through the greatest revolution known in her history, and although royalty was once more firmly in power, and every institution of the Commonwealth had been torn up root and branch, a decade or more of republicanism had dealt a blow to the ancient custom of the realm from which it was destined never to recover. The Cavalier class still held an unswerving allegiance to every memory of the old régime, but the common people had tasted of liberty, as a lion of blood, and despite the restoration of the old, and the subversion of the new order of things, feudalism in its faintest phase was dead, and every effort to resurrect even a semblance of the system was destined to meet with ignominious failure.

Such, in brief, was the condition of affairs in England when Carolina was founded. Its charter was given by Charles II. to men who were steeped in the old spirit which had had its birth in feudalism. For the most part they were of families which had held their estates from the time when the villain had no rights which the lord was bound to respect. They saw that England was determined to trample upon every tradition of the system to which they owed their greatness, and realizing that they could no longer exercise their rights of overlordship in the kingdom, they determined to establish beyond the sea, in the wilds of America, a dominion over which they could hold sway as their ancestors had done over the peasantry of the realm, centuries before. The first fruits of this decision were the famous Fundamental Constitutions of Carolina, the most unique scheme of government ever devised for an English colony, and one



which can never lose its interest for students of political institutions. They were drafted by the philosopher John Locke, and have been justly characterized as a bold attempt to breathe life into the dead body of English feudalism, and to transplant it in its entirety to the shores of the new world. The common remark that it was an effort to found an ideal government is indeed true, but it was an ideal that even the seventeenth century scorned to realize, for it sought to turn back the progress of civilization and freedom three hundred years, and to foist upon freemen a system borrowed from a time when no man was free who did not maintain his liberty by the strong arm of force.

Where Shaftesbury, the President of the Board of Proprietors, expected to find Englishmen who would live under such a system, it is hard to say, but he evidently looked forward to seeing the Constitutions set up and enforced in every detail. However ridiculous the bombastic terms of this remarkable instrument may sound to-day, for many years they were very serious matters to the colonists, and the contentions which arose over the construction of many of the articles, came near precipitating civil war on more than one occasion. Of course, the Constitutions, in their extreme form, despite the efforts of the Proprietors, were never enforced. Englishmen in Carolina were found to be no more subservient than Englishmen in England, and they persistently refused to be governed by a code which took from them liberties they had been accustomed to enjoy even in the England of the early Stuarts. From the very beginning of the colony the contest between people and Proprietors was maintained with ever increasing bitterness until the Revolution of 1719 overthrew the unnatural form of government, and gave the province peace and prosperity under the protection of the Crown. Long before this time, however, the Constitutions were practically abrogated, although in large part they remained in theory the laws of the colony until 1719, and were only kept from being enforced by the firm opposition of the people.

The Proprietors,—“true and absolute Lords,” as they were pompously styled,—had witnessed the workings of democratic government in England, and they made no secret of their intention to prevent any such establishment in Carolina, declaring explicitly that the Constitutions were adopted “that we may avoid erecting a numerous democracy.” Of course, they reserved for themselves the chief offices of the government, adopting the high-sounding titles of Palatine, Chamberlain, High Steward, Chancellor, etc. The divisions they made within the Counties recall the institutions of the Middle Ages. We find Signories and Baronies, the former being the share of the Proprietors and the latter of the provincial nobility, the Landgraves and Casiques, whose patents were issued by special authority derived from the king. “There shall be just as many Landgraves as there are Counties, and twice as many Casiques, and no more,” ran one article of the Constitutions. “These shall be the hereditary nobility of the Province, and by right of their dignity be members of Parliament. Each Landgrave shall have four Baronies, and each Casique two Baronies, hereditarily and unalterably annexed to, and settled upon the said dignity.” These were the only orders of nobility ever created on American soil, and they were jealously guarded by rigid laws of succession. It was provided that “whoever by right of inheritance shall come to be Landgrave or Casique, shall take the name and arms of his predecessor in that dignity, to be from thenceforth the name and arms of his family, and their posterity.”

In addition to the Signory and Barony appeared the Manor, which is, however, by no means clearly defined. There was a “Lord of the Manor” as in England, but there is no reason to believe that it was intended to organize this institution on the exact model of the manor in the mother country. It seems to have been simply a name applied to certain estates consisting of not less than three thousand, and not more than twelve thousand acres, the owner of which was given special privileges and franchises by the

Proprietors. It would have been wholly impossible to have organized manorial courts as they existed in England, owing to the manner in which the country was settled, and very much the same thing can be said of the Baronies and Signories. They were simply names applied to institutions of a feudal nature which it was proposed to found, and an attempt was to be made in the course of time to conform them as nearly as possible to like institutions in England.

The Proprietors had just witnessed a period during which the historic names of the kingdom had, by the republican authority, been reduced to a mere shadow of their former greatness, and they were determined to raise up in America hereditary houses whose interest it would be at all times to maintain the feudal institutions by which they were surrounded. The rights and privileges of the nobility were not to be shadowy. They were to be as substantial as those of any twelfth century baron of England. Each Landgrave and Casique was by virtue of his dignity to be a member of the colonial Parliament with even greater privileges than were accorded to representatives chosen directly by the people. It was also declared that "in every Signory, Barony and Manor, the respective Lord shall have power in his own name to hold court leet there, for trying of all cases both civil and criminal." On the payment of the almost prohibitive sum of forty shillings the freeman could appeal from the Signory or Barony court to the County court, or from the manorial court to that of the Precinct. These courts leet are not described, but were doubtless to be organized on English models, though they must have combined several English jurisdictions, and could scarcely have followed the same mode of procedure as had been practised in the mother country.<sup>1</sup>

As we have seen, the freeman, under hard conditions, could appeal from the court leet, but it was in every case a final tribunal for the villain. Unlike his fellow-bondman in

<sup>1</sup> See Vinogradoff, *Villainage in England*, p. 362. (Clarendon Press edition.)

England,<sup>1</sup> under no circumstances could he appeal from the decision of his lord. In this instance, as in all others, the law regarding the villain was rigid and explicit. The lord was absolute master, and against him the villain had no rights. The leet man<sup>2</sup> was furthermore considered as belonging to the soil, nor could "any leet man or leet woman have liberty to go off from the land of their particular Lord, and live anywhere else, without license obtained from their said Lord." The absence of anything corresponding to chartered towns, or crown manors, precluded the possibility of escaping from bondage by the old rule of a residence of a year and a day within such privileged precincts. There was no "free air" in Carolina so far as the villain was concerned. Once a villain, always a villain, was a rule which was never to be violated, and it was expressly declared that "all the children of leet men shall be leet men, and so to all generations."

Had the system sought to be established by the Fundamental Constitutions been actively enforced, no doubt court decisions would, from time to time, have defined and modified the position of the leet man, as was the case in England, but certainly under the original law such a thing as the manumission or enfranchisement of a villain was out of the question. Nowhere was the lord given the right to alienate the villain from the soil, and everywhere is the implication found that his sovereignty did not extend so far. Article XV of the Constitutions provided that "since the dignity of Proprietor, Landgrave, or Casique cannot be divided, and the Signories and Baronies thereunto annexed must forever all *intirely* descend with and accompany that dignity," there should be no co-heirs, that is, no division or double proprietorship of the dignity, or of the estates ap-

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<sup>1</sup> Vinogradoff, p. 65.

<sup>2</sup> The expression "leet man" in these Constitutions does not bear the same meaning as in England, but implies a pure villain. The Carolina leet man was distinctly unfree, and the use of the term in this paper will always imply that condition.



pertaining to it. This rule was so far flexible that the lord could lease out two thirds of the estate,—which included the villains,—for a term not exceeding twenty-one years, though the remaining third was always to be held as demesne. Thus while two thirds of the Signory or Barony could be alienated for a time, at the end of twenty-one years it reverted to the holder of the dignity, and the estate, including land, leet men, and all other appurtenances, became once more entire, and in the hands of the lord.<sup>1</sup>

Article XIX gave the Lord of the Manor much more liberty in regard to his estates, but at the same time indicated clearly that he had no right to dispose of the leet men separately from the land. He could “alienate, sell, or dispose to any other person, and his heirs forever, his Manor *all intirely together, with all the privileges and leet men thereunto belonging*, but this alienation had to be of the land, leet men, etc., in their entirety. No exceptions were allowed, and it was provided that “no grant of any part thereof, either in fee, or for any longer term than three lives, or one and twenty years, shall be good against the next heir.” This makes it perfectly clear that the leet man could not be permanently alienated from the soil, although he could be leased, or hired out, very much as was done with slaves in later times. This was in keeping with the usage in early England where a man could no more give away a slave belonging to the family estate than he could a portion of the manor itself. According to the early English law before emancipating a slave the lord had to purchase him, to all intents and purposes, from the estate.<sup>2</sup> In later times actual sales of villains are recorded,<sup>3</sup> but the cases were rare, and in Carolina nothing of the kind could have been known. The leet man, under the Constitutions, was not in a state of personal servitude to the lord, and the

<sup>1</sup> By a temporary provision a Landgrave or Casique could at any time before 1701, dispose of his dignity and estates, if conveyed as a whole.

<sup>2</sup> Vinogradoff, *Note* on p. 87.

<sup>3</sup> *Ibid.*, p. 157.

recognition of negro *slaves*, over whom the owner was granted "absolute power and authority," indicates that negroes, and no others, were to be considered as chattel property. There is scarcely any doubt that the leet man was intended to be held as a villain regardant to the Signory, Barony, or Manor, while the negro corresponded to the position of the villain in gross.<sup>1</sup> The only difference between the old English usage, and that intended for Carolina was in the case of the manorial estate. There the lord could dispose absolutely of the property and dignity provided it were conveyed as a whole. The purchaser then became Lord of the Manor, and could in turn dispose of the estate on the same conditions, the leet man in every instance remaining attached to the soil. The Manor, no more than the Signory or Barony, could be divided among co-heirs, although one person was permitted to hold several Manors, and in such a case should there be no heirs male, the eldest daughter was to have her choice of the estates, the second daughter next, and so on "until all the Manors be taken up." In no case was a Manor to be divided, and during the life of the lord each one, with all its appurtenances, was to be kept separate and distinct from the others. The privileges pertaining to each were indivisible, and they had to be kept entire in order to maintain them. The idea was to perpetuate powerful families which were to be attached to the Proprietors by their interests just as the great houses of later feudal England were attached to the King. The Proprietors were, in short, to assume much the same position as was held by the Crown in England. All dignities and honors of whatever kind were held from them, and in the absence of heirs, all titles and estates reverted to their possession. In order to make their overlordship complete, no person was permitted to claim any land whatever by right of purchase from the native inhabitants, or others, but only "from and under the Lords Proprietors under pain

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<sup>1</sup> See Vinogradoff, p. 48, for a discussion of this much disputed distinction.

of forfeiture of all his estate, moveable and immoveable, and perpetual banishment."

There were two methods of becoming a leet man. First, by being born to that estate, and second, by voluntarily entering one's self as such in the registry of the County court. There seems to have been no such thing contemplated as villainage by prescription.

The exact theory of the condition of the leet man is very difficult of formulation. It would seem most natural that the condition of the English villain at the latest period would generally have obtained with the villain in Carolina, but the fact that so many returns to the earlier custom are indicated,<sup>1</sup> would involve such a proposition in much doubt. It seems quite safe, however, to say that they were intended by the Constitutions to occupy that state described by Bracton as "pure villainage." They were to be worked at the will of the lord, performing absolutely uncertain services, and "knew not in the evening what was to be done in the morning."<sup>2</sup> But the leet man in Carolina was to be relieved of many hardships endured by the villain in England. One of the iniquities of the old feudal system was the collection of *merchetum*, a fine due the lord whenever a villain married off a daughter. Nothing of the kind was to be found in Carolina, but on the contrary the lord was required to give ten acres of land to every leet man or leet woman who might marry, they to pay him not more than one-eighth of the annual product. Care was taken, however, that no family of villains should accumulate property. This grant was only for the life of the beneficiary, after which the land reverted to the lord.

The Constitutions are silent on the subject of children one of whose parents only was a villain. The late practice in England was for a child born in wedlock to follow the condition of the father, while an illegitimate was considered

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<sup>1</sup> The court leet itself will be noted as being a return to the earliest organization in England. See Digby, *Hist. of the Law of Real Prop.*, p. 54.

<sup>2</sup> Taswell-Langmead, *Eng. Const. Hist.*, p. 70.

*filius nullius*, and presumed free.<sup>1</sup> The fact that a leet woman as well as a leet man was to receive the gift of land at marriage, indicates the possibility of a return to the Roman law of the child following the condition of the mother, which had been rejected by the English courts almost from the beginning of feudalism.<sup>2</sup> It is very certain that a lord would not have been required to give land to a woman on her marriage in cases where the fruits of the union would have brought no increase to his estates. The gift was made in order that villains might be encouraged to marry and thus increase the value of the land to which they and their children were inalienably attached, and it would have been clearly against the interest of the lord to encourage marriages which would have tended directly to deplete the resources of his property. It is very probable, in view of these difficulties, that the grant of land was allowed only in cases where the contracting parties belonged to the same estate. The reversion of the marriage gift to the lord shows an intention to pursue a different policy from that which prevailed in England where, under certain circumstances, a villain could hold and devise lands and chattels.<sup>3</sup>

While the existing state of society in the world generally would have forced upon the Carolina villain many rights and privileges which were never heard of in feudal England, under these Constitutions in their liberal acceptation, his lot would have been immeasurably harder than that of the English villain. We have seen how the lord was absolute in his courts. Should a leet man appeal for relief from any extraordinary hardship, the lord judged the merits of the case, or had the power to dismiss it without a hearing, to drive the plaintiff back to his bondage, and even to punish him for his temerity, and there was no redress. In England, in comparatively early times, the villain had redress against the lord even in civil cases, and could go so far as to "implead his master in consequence of an agree-

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<sup>1</sup> Vinogradoff, pp. 59-60. <sup>2</sup> *Ibid.*, p. 59. <sup>3</sup> *Ibid.*, p. 68.



ment with him."<sup>1</sup> In short, in England the courts of the realm were open for the relief of even the most degraded serf, and in the majority of instances would right his wrongs, or alleviate his hardships. In Carolina the leet man was at the mercy of the lord, and had to bear his hard fate, uncomplaining. It is scarcely to be supposed, however, that the power of the lord was intended to extend to the life and limb of the villain, although such would practically have been the case unless the Constitutions had been freely amended. It was provided that juries must consist of twelve men, and also that no nobleman could be tried save by a jury of his peers. But as there were never at any one time so many as twelve Landgraves or Casiques in the province, any crime committed by them against a leet man, or against anyone else for that matter, must have gone unpunished. When Landgrave Colleton was arraigned in 1690 for his alleged official misdemeanors, he could not be tried before a judicial tribunal, presumably because no legal jury could be secured, and his banishment was effected only by the passage of a bill of attainder through both houses of the provincial Assembly.<sup>2</sup> This course could be easily adopted where the public safety was deemed to be imperilled, but the authority of the Assembly could never have been thus invoked in behalf of an unknown villain, no matter what wrongs or outrages he might have suffered.

To the student of the present day, the whole spirit of the Fundamental Constitutions seems ludicrous in the extreme, and it is difficult to understand how so wise a man as John Locke could have lent himself to the work of devising so utopian a code. Although we hear of certain disputes between him and his patron, the Earl of Shaftesbury, concerning clauses of the Constitutions, which seems to indicate that Locke had some will of his own in their preparation, still we cannot but believe them to have been chiefly the work of Shaftesbury. It is impossible to think that he

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<sup>1</sup> Vinogradoff, p. 70.    <sup>2</sup> 2 S. C. Statutes, pp. 45-46.

who inveighed so strongly against arbitrary government of any kind, and who maintained with so much passionate logic the freedom of all men from subjection "to the inconstant, uncertain, unknown, arbitrary, will of another man,"<sup>1</sup> could have consigned by a stroke of his pen, as it were, hundreds and perhaps thousands, to hereditary bondage. But whatever may have been the real sentiments of the author, the Constitutions, as might have been anticipated, were doomed to utter failure. They proved to be the death-gasp of feudalism, and the little life the Proprietors had sought to breathe into the dead system, was quickly trampled out by the turbulent elements in the young government. The people maintained with obstinate pertinacity their opposition to the code, until at length the Proprietors were forced to permit the colony to be governed by modern methods.

While the subject of villainage is naturally the most interesting suggested by the Constitutions, there were many other provisions equally chimerical. The proposed judicial system would have been a wonder even in the Dark Ages. There were no less than eight supreme courts, in addition to the County and Precinct courts, and those of the Signory, Barony, and Manor. All these were organized only from the landlord class, even the petit jurymen being required to hold fifty acres of land, in his own right, before he could sit in judgment on any cause. The court which smacked more than any other of a mediæval flavor was that of the Chamberlain, which consisted of a Proprietor and eight Counsellors, who were known as Vice-Chamberlains. It was declared that this body "shall have the care of all ceremonies, precedence, heraldry, reception of public messengers, pedigrees, the registration of all births, burials, and marriages, legitimation, and all causes concerning matrimony, or arising from it; and shall also have power to regulate all fashions, habits, badges, games, and sports." The idea of a court of heraldry in the savage forests of the new

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<sup>1</sup> Locke, *Second Treatise on Government*, c. iv.

world was one that could suggest itself only to a mind devoid of the remotest sense of humor. It is needless to add that this remarkable tribunal was never convened.

The Constitutions were not wholly without noble touches, however. There was something of an old chivalric ring, of a fine scorn to take advantage of a fellow-man in distress, in the declaration that "it shall be a base and vile thing to plead for money or reward," and no one but a near kinsman was allowed to advocate another's cause in court until he had taken an oath "that he doth not plead for money or reward, nor hath, nor will receive; nor directly, nor indirectly, bargained with the party whose cause he is going to plead, for money or any other reward."

Carolina had not been long founded when the proprietors saw that their subjects could not be induced to conform to the stringent and antiquated requirements of this "sacred and unalterable form and rule of government," and during their rule the Constitutions were frequently revised, though they were never put in force by the people. They were practically abrogated less than a quarter of a century after the landing of the first colonists, although it was not until the Revolution of 1719 when the proprietary government was overthrown, and the colony attached to the Crown, that they ceased to exist in theory. That year is memorable as marking the final and absolute extinction of feudalism in the English world.

SHIRLEY CARTER HUGHSON.

### ORTENSIO LANDO.<sup>1</sup>

In transitional periods of every literature there are certain writers whose works refuse to fit smoothly into any of the regular pigeon-holes of critical classification. These works are neither epics, nor lyrics, nor dramas, nor satires, nor novels, nor histories, nor philosophies, but they partake in protean and confused fashion of all or many of the fully developed types. Besides the interest of *bizarrerie* attaching to them, they stand to the student of comparative criticism very much as the long desiderated missing-link might do to the student of comparative biology: they catch the *zeitgeist* midway, as it were, in the act of changing its clothes. To such students Signor Sanesi has rendered a service in his learned little work; but to the general reader, even supposing him to be attracted by so remote a phenomenon as this sixteenth century chameleon-satyr, the cautious fulness of the Italian scholar's conjectural hesitations and the heaviness of his bibliographical asides, would very likely prove altogether daunting. Yet as a *fin-de-siècle* type of this most characteristic kind, as a by no means weak continuator of Boccaccian tales, as the translator of our own Thomas More, Lando, it seems to me, ought to have some interest for English readers in these 'death-of-the-century' days of Mr. Oscar Wilde, M. Guy de Maupassant, and Mr. Bellamy. Indeed, I ought to add,—though whether it be for him or against him I know not,—Messer Ortensio was a pronounced vindicator of the rights of woman, and as such should find an audience in the life-time of Mrs. Victoria Woodhull-Martin.

Of the life of Ortensio Lando save from the evidence of his own words, which, as will be seen, can hardly be taken

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<sup>1</sup> Ireneo Sanesi: Il Cinquecentista Ortensio Lando. Pistoia, Fratelli Bracalli, 1893.



with simple faith, we know little. Signor Sanesi's biography is for the most part a plain showing of what and when and where the recalcitrant free-lance could *not* have been, than a guaranty of positive facts. That he was a Tuscan, that his life fills the earlier half of the sixteenth century, that he was a wandering soldier of fortune, and at one time a soldier in fact, that in body as in mind he was a species of satyr, cynical towards all but towards himself most of all, that:

"Tho' his muse was jocund  
Yet his life was chaste,"

that he was pretty much what we should call an agnostic in faith, that, spite of the epithet 'Tranquillus' applied to him, he was a discontented man, as he calls himself "*Hortensis Lando*, luckless in all he tries to do or say," that in his life time he was more often copied than praised — such vague facts as these we may take as indubitable; and after all the very incompleteness of the figure may, like Michael Angelo's marble, suggest better than any finished detail the vague, inconstant physiognomy of our subject. Doubtless also the following self-portraiture is but one example of his elvish love of Hogarthian caricature; true or false of Lando's person, however, the very possibility of his so seeing and so choosing to perpetuate himself gives some hint of his eccentric soul. In his encyclopædic, amonymous work, the '*Seven Books of Catalogues*,' in the category of '*Modern Uglies*' he writes: "Of *Ortensio Lando*,—I have ransacked many countries in my day, in the Orient as well as in the Occident, nor has it been my luck to see uglier than he. No part is there of his body which is not imperfectly formed. He is deaf, although richer in ears than an ass, he is half blind, puny in stature, has the lips of an *Ethiope*, the flat nose, the knotty hands, and is more ashen than the ashes which Saturn wears always on his forehead." Elsewhere we hear from him that the ghastliness of his consumptive complexion is made more sinister by a black and smoky beard. And as to his character he

tells us that he is full "of anger and disdain, ambitious, impatient, vain-glorious, frenetic and inconstant." In some things he brings to mind the tempers of self-tormentors like Edgar Allan Poe and Baudelaire, and their lineal descendants of to-day, Verlaine and the *Décadents*,—a singularly perfect instance of that "Heautontimoroumenos," whom Baudelaire makes to wail:

"Je suis de mon cœur le vampire,  
Un de ces grands infortunés  
Au rire éternel condamnés  
Mais qui ne peuvent plus sourire."

And yet from the titles of his works he seems but the calm pedant, "Ortensio Tranquillus," spinning out illimitably the dull gray in gray of his enormous, futile erudition. Listen to some of his titles: 'Cicero Exiled,' 'Cicero Recalled,' 'Paradoxes,' 'Confutation of Paradoxes,' 'Funeral Sermons,' 'Four Books of Doubts,' 'Dialogue on the Holy Scriptures.' A father of the Church, with humanistic tendencies, perhaps might have written books like these. But whatever the worth of what he says, Lando is even more interesting than what he says, as one continually giving new evidence of a mood of thought only too painfully conspicuous at the present day, a mood of impotent rebellion not against intellectual or material tyranny but against the absence of any tyranny to fight, against the weariness of the day after the battle, when the glamor of victory has paled a little but the nerves are still strung tight. Intellectual liberty had been won, for the moment at least. With paganism in the chair of S. Peter itself, Savonarola forgotten, and the Inquisition just outside indeed, but still outside, the door, what was there left for the disbanding soldiery of humanism to do? They had been bred up to destruction, and the more enduring art of construction was not to be learned in a day. Humanistic chivalry was effete for want of a dragon or a giant, and went about jousting with sheep and wind-mills. And Lando was a Quixote among these Quixotes,—but in their midst he was a Cervantes also.

One of the many wind-mills upon which these other Knights of La Mancha loved to break a lance was the worth of Cicero. Hailed as the god-father of the new birth by its parent Petrarch and his spiritual kinsmen, Boccaccio, Giovanni da Ravenna, and Coluccio Salutati, Cicero's title was first seriously disputed by the grammarian, Lorenzo Valla, and the dispute opened by him became later a pitched battle between Cortesi and Poliziano, between Bembo and Gianfrancesco Pico della Mirandola, and finally in the Ciceronianus of Erasmus, the Ciceronians suffered a terrible shock. The attack of the foreigner was enough to rally Italian scholars, to a man, around their great fellow-countryman, and in the very height of the fray Lando appears with his *Cicero relegatus et Cicero revocatus Dialogi Festivissimi*.

In the first "amusing dialogue" Cicero and Ciceronians are spattered with all the mud in Lando's extensive vocabulary. Cicero is "of all bipeds the nastiest, the tinder and fan of all seditions, the enemy of peace, law, justice, tranquillity, and all things good." And "whosoever propose to themselves the imitating of Cicero, all are arid, jejune, squalid, hair-splitting, bloodless, nerveless, colorless, either barren or begetting of abortions." Wherefore, by a tragi-comic decree, Cicero is banished, not to France, or England, or Germany, or Poland, or Spain, where he might find some to receive him, but to farthest, most barbarous Scythia. Well, in the second dialogue, *Cicero revocatus*, the ball which has been so elaborately wound up is as elaborately unwound again, precisely the contrary to every former count is pleaded; not a single censure but has its corresponding praise; and Marcus Tullius is led back to Italy, to the grand despair of barbarous Scythia, which, in the short interim, he has altogether captivated. It is all an elephantine and not very funny joke, then? Yes, but it is also a satire on the profitless disputes in which philologists, then at least, wasted their lives. It is a document of a singular soul which in its madness of contrariety must first

deny whatever it hears asserted, and then deny its own denial because, forsooth, that has become one of the things it hears asserted.

Still more curiously does this strange mania of Lando's show itself in two other twin works, the "Paradoxes," and the "Confutation of Paradoxes;" the "Whip for Authors," *Sferza degli Scrittori*, and the "Exhortation to the Study of Letters." These two pairs, painstaking in argument and full of rare erudition, represent a logical progress not unlike that of the fabled turtle in the well, which continually scrambled up half a foot only to slip back six inches. In the "Paradossi" Lando, in accordance with temperamental contrariety, undertakes, in all seriousness on the face of it, for he earned by his opinions the stigma of a "dangerous, not to say heretical thinker," to prove black what in common acceptance is held white; that for instance it is better to be poor than rich, homely than handsome, ignorant than learned, mad than wise; that drunkenness is better than sobriety, want than abundance; that there is no wrong in a prince ruining his country, nothing objectionable in a wife being unfaithful, nothing disagreeable in being struck and beaten, and so on. In fact a very complete and specific explication of the Tertullian maxim, "*credo quia impossibile*." This method of proof is not altogether sophistical either, at least no more so than the appeal to authorities always is in its nature, as Pascal showed long ago, but as some of our contemporary teachers, Mr. Ruskin now and then, for example, evidently forget. Take the proof of the paradox, "it is better to be poor than rich."<sup>1</sup> Virtuous men have been for the most part poor. For instance Valerius Publicola, Menenius Agrippa, Aristides, Epaminondas, Paulus Æmilius, Quintus Cincinnatus, and others. Anacreon, having been given five talents by Policrates "was two nights without taking sleep, and at last to free himself from the extreme embarrassment in which he found himself because of the gift, gave it back to the Tyrant." Above all

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<sup>1</sup> I condense still further Signor Sanesi's outline of the argument.



things to be desired is the "chaste and humble" poverty which was in Aristides just, in Plato benign, in Epaminondas mighty, in Socrates wise and in Homer fecund. Poverty is a spur to virtue and a check to vice. Jesus Christ, "that infinite wisdom, exclaimed with his own mouth, Blessed are the Poor, and more than any other embraced and cherished sweet poverty." Moreover of what avail are riches? To ride in rich chariots or upon lordly horses? But the horse is a beast full of greed and a "seminary of war, which breaks one's reins when he trots, which stumbles when he walks, and which is odious in the sight of God, as appears from the Prophet: "ab increpation tua, Deus, dormitaverunt qui ascenderunt equos," and in another place: "hi in curribus et hi in equis, nos autem in nomine Domini." And so it is with other luxuries: rich meats corrupt the body and seductive music debilitates the soul, as evince the condemnations of Athanasius, Aurelius Augustinus, Aristotle, etc. In fact all writers and great men condemn riches, such as Pliny, Zeno, the Theban Crates, Plato and Jesus Christ, who declared: "It is easier for a camel to pass through the eye of a needle than for a rich man to enter into the kingdom of heaven."

The argument here against the value of horseflesh as a possession may perhaps raise a smile, although it is by no means so conspicuous among the many specific instances of the original context, and we must remember that the very letter of scripture was most commonly cited in those days; still, on the whole, no one, I think, would doubt that Lando here is entirely in earnest in his ascetic doctrine of poverty. Indeed I have not the slightest intention of declaring that he is not. Only after some little time, when the zest of his own paradoxes had palled upon him, Lando turns himself right about face and, amonymously, it is true, refutes himself of yesterday. One who inveighs against riches, he says in reference to the first Paradox, is "like the usurer of Milan that besought a preacher to dissuade by his eloquence all citizens from the practice of usury, in order that he him-

self might be left alone in the field and so enrich himself the more." Indeed riches "are the very nerve and sinews of war, the foundations of the state, the feeders of the arts, the ministers of good credit, the givers of pleasures and the true evidences of nobility." Therefore did Theognis laud riches, and Menander, Antiphanes, Timocles, Demosthenes, Sophocles, who called poverty not the least of infirmities, Hesiod who declared poverty to be "the corrupter of good spirits," and a host of others. No spectacle is more hideous than poverty. To avoid it fair women sell their good name, reverend pastors desert their flocks, monks flee from the world, or, nowadays, court the favor of princes. Vain indeed is he who proclaims, "it is better to be poor than rich."

Is Lando merely playing with us? Is all this futile tail-chasing logic mere maundering of a disordered and hypertrophied intellect? Or is there underneath the word-froth something genuinely substantial and worth the trouble of digesting? I think we can only answer,—sometimes there is, sometimes there is not. It occurs to me occasionally that Lando is playing the Edgar in Lear; he has a very serious meaning in all he says, but it would be quite wrong to think that all he says is meaningful. His nonsense is a shield and buckler against his enemies, the enemies of free thought. He plays the fool only for fools; for wise men he is as wise as they. At least, that is the conviction which forces itself upon me when I see Lando drop his jester's mask for bitter irony, like the following denunciation of monkish hypocrisy. To appreciate the boldness of his satire, we need only remind ourselves that the work into which it enters, *Ragionamenti familiari di diversi Antori*, was published in 1550, and that, before fifty years had passed by, these very same monks with whose good fame Lando makes so free, were powerful enough to send fear into the stoutest heart and set their "bloodless" seal upon even a Bruno's lips. In the "Ragionamenti," there is the same abundance of self-contradiction, the same mocking con-

trietty, as in the "Paradossi" and the "Confutazione de' Paradossi," we find an argument against music followed closely by one in favor of music, one for a solitary life and one against, one that a man should marry and one that he should not, and so on. So speaks the fool, but now listen to the preacher. Father Feliciano Giorgi<sup>1</sup> exhorts Dorotheo Brigodo to become a monk. It is a "holy and truly celestial state," he says. You must sing psalms sweetly "seven times at least between the dawn and dusk," you will enjoy greatly "the brotherly and amicable correction which is visited upon you every hour," you will wear a garment "neither uncouth nor yet precious, but comfortable and alien from all excessive display," you will eat simple and wholesome food; you will busy yourself "in consoling the sick, in entertaining the pilgrim and in exercising your own bodies by manual labors." Have no fear of "the assiduous mortification" practiced in convents, since it is compensated for by much that is sweet. So far not Dominic himself could have more succinctly put the case of monasticism, but Father Feliciano continues, we monks enjoy "the greatest liberty and the most valuable ease," ours is "the royal road to heaven, in which we are the peers of the lambs of paradise and above the kings of this earth." "To whom most willingly do women entrust their secrets and their most intimate thoughts? Surely to monks, and right fortunate they esteem themselves to have some courteous, ardent and complaisant brother for their devoted servant. Is not our faith in the hands of monks? They are the ministers of the sacrament, they are the trumpets of the Holy Gospel, they are the depositories of rich legacies. \* \* \* \* Into their trust (without the least misdoubting) we confide sanctified virgins and precious relics of the holy Fathers. They are exempted from tributes, tolls, taxes, titles and other imposts." How nice to hear oneself called "father" here and "father" there, without having children and without having to provide for their needs. Then "what illustrious prince

<sup>1</sup> I condense from Signor Sanesi.

or what famous baron dwells in such grand, such stately and such well ordered palaces as we monks construct?" What palace, what villa can compete with S. Martino at Naples, "where dwell the silent and melancholy Carthusians," or with the monastery of the Olivetans near Siena, or with that of S. Ponziano at Lucca? If we are hunch-backed, forsooth 'tis but "the bunching of the hood" we wear, if our limbs are deformed "or by cancer or gangrene ornamented or by pimples gemmed," our tunic makes them whole, "if it is cold, by a pull of the hood, head, ears, neck and gullet are covered, if heat trouble us, with small pains off goes the hood again." All nature and all men bow down before us, and "above all widows trust in us and on every occasion lavish a thousand caresses on us. Young men owe us inviolable obedience. \* \* \* \* \*

Oh do but make you monk, and what consolation will be yours, gossiping domestic-wise with some devoted little sister concerning the celestial glory, the beatific life, the pains of hell and the mortification of the flesh! \* \* \* \*

What delight will be yours tasting the tarts, the waffles, the pies, the sugar-plums, and the crumpets made by her delicate hands!" Moreover "think how you will enjoy the common opinion of our sanctity. This is what make us fat and pampered, this is what makes us go puffy and pompous, this is what makes us feared by women, revered by princes, respected by the people, this is what gives us the right to demand at all times now bread, now wine, now cheese, now bacon. You will never be able to laugh enough, such delight we take conversing with some silly girl and hearing her with so sweet a countenance relate her forbidden loves. You will never be able to laugh enough, such delight do we take hearing in what facetious and cunning ways wives can betray stupid husbands. In fine, "*we are they which feed on the sins of the people. We are they which eat the dead and enjoy the living. We are the defenders of the faith of Christ.*" Make yourself, therefore, abrother, beloved, and dispose yourself "to



love the sacred brotherhood with perfect faith and constant zeal."

Lando was not the originator of diatribes against monks and recluses, they began the first time one portion of a community separated itself from the rest as being holier, possibly therefore with the bitterness of Cain against Abel, his worthier brother, but there is no doubt, I think, about the fineness of Lando's literary art in this satire. The delicate gradations, hard to perceive in the truncated version above, by which he passes from compliment to veiled irony, from irony to sarcasm, and from sarcasm to open scorn are unsurpassable. And I know no denunciation of turpitude and hypocrisy more scathingly pregnant than the three brief sentences I have underscored. At least in his rebellious anger Lando is no mere literary juggler.

Elsewhere we find in him moods of less truculent irony. For instance, in his book of "Consolations," similar in plan and purpose to the "Paradoxes," he cites the "consolation given by a Captain Franciotto to a newly-made doctor desirous of entering the college of Milan, but debarred because he was not a gentleman." In the course of the "Consolation" Lando satirises the Milanese conception of a gentleman in a way that recalls very strongly the Pamphleteers of our Elizabethan and Jacobean days. Faith, you must be a gentleman, says the Captain, "since your house is full of hounds and hawks, and much more willingly do you feed from your own hand your setter or your pointer than a poor man hungry and made in the likeness of God. Mornings you are for four hours of the clock a-hunting. You suffer from gout, for which chastity is usually prescribed to you. You swell about, strut, gossip with Tom, Dick and Harry: you are fond of devouring yams and plungeons and artichokes, and sit longer at the table than a German. You lose your head readily, you perfume your boots, make love willingly, but pay your servants with an ill grace, abuse your peasants as much as you can, and then post them off to the hospital. Such being the case it astonishes me ex-

ceedingly that you are not regarded and received as a gentleman by everybody."

Still other methods does Lando find for venting his spleen. In the "*Sermoni Funebri*" he panegyrises a deceased horse, dog, louse, ape, owl, jay, coon, cock, cat, grasshopper and other mean animals. The satire is twofold, the universal depreciation of mankind by exaggerated laudation of the lower animals, and the special depreciation of the panegyrist of the dead Laura by the fitting of sublime Petrarchian phases, images and sentiments to absurd situations. For instance, brother Puccio says that upon the "dearest little mouth" ("*gentilissima boccuccia*") of his louse "adorned with teeth of finest ivory" ("*ornata de dentini fatti de fino avorio*") there seemed "to spring roses and violets, pinks and spikenard" ("*nascessero rose vivole, garoffani e spiconardo*"). Since these Italian words are Petrarch's own, the obviousness not to say the taste of the parody needs no comment. In the "*Sferza degli scrittori*" it would seem that Lando justified his scurvy treatment of Petrarch by complaining that from him and his contemporary poets one hears forever nothing but "love-sick ecstasies, vain lamentations, suspicions, sobs and sighs," were it not that in the "*Esortazione allo studio delle lettere*" appended to the "*Sferza*," we find Dante and Petrarch compared respectively to October and May, or rather that Petrarch represents for us both months, so loaded is he both with fruits and flowers. Verily then must Lando himself be the inconstant April.

Brother Puccio's praise of his louse suggests a vein of Rabelaisian humor side by side with the other peculiarities of this extraordinary and truly multiplex being. This humor lightens now and then the many dreary wastes of Lando's undigested erudition. For instance, Signor Sanesi picks out for us from the dry "*Commentary on the Peculiarities of Italy*," a description of a night passed in a village near Piacenza, which is so lively in itself and so suggestive of what sixteenth century travellers endured, that I venture

to translate it whole. "I arrived one evening, not so very late, in a large village, and although I wanted to go on further for fear of lodging uncomfortably, there suddenly appeared before me the lord of the place, with a doublet of velvet more scurvy than the mule of the bishop of Sarezana, with a gray beard, with two bleary eyes, and full of boorish courtesies by which he forced me to lodge with himself. We anticipated luxurious living, he being the lord of the place. Now first he led us into a house where snakes and toads would have been unwilling to dwell. The hour of dining arrived. He gave us a bit of black bread, musty, and which suffered from sourness, a wine in which there appeared to have been mixed onion-juice, a salad bitterer than gall, with oil that stunk fiercely of wool. After the salad he left before us a piece of the flesh of a sheep—old? older, I say, than old age. I had to leave in it two of the best teeth I had in my mouth. Mine host, observing in his kindness that we were no longer eating the meat, bade his servants have eggs boiled and some cheese brought. The eggs were of such sort that I have a firm opinion the chicks were inside of them, the cheese was hard and impossibly salt, resembling fish in brine. But what particularly comforted me was to have a napkin greasier than the flesh-pot of Altopascio, blacker than a spent coal, stiffer than brand new bombazin. Bed time arrived, the servant came with a taper in his hand, and invited me in courteous fashion to go to bed. Indeed I had to laugh, full of disgust as I was, seeing the superb bows and courtly gestures of this lad, who was halting and hump-backed, had the bridge of his nose adorned with two wens, eyes perpetually running, his mouth awry and drooling always. The bed was of a piece with the other things. We lay upon a bag full of forest leaves, with a single sheet, adapted for scratching the mange and rough as hair cloth, with the blanket of a galley-slave. I believe some worn-out fugitive from the galleys fetched it there.

Not once did I shut my eyes that night, and God knows

I had need to, the couch of Phormio and that of Ulysses, according to Homer, were never so devoid of comfort. But nothing weighed more upon me than to see our horses with nothing else to eat but a little straw so tough that only at great pains could one cut it with an axe. Next morning, at earliest dawn we arose and, thanking our courteous host, continued our journey."

Spite of the crabbed Latinised style, there is a flavor of modernity, I was almost about to say of Mark Twain, in this sketch of Lando. Similarly modern in tone is Lando's treatment of women, very different from the supernatural solemnity of Dante and the Petrarchists on one side, and on the other from the ascetic disdain of the ecclesiastics which held woman to be a monstrosity, *animal occasionatum*, because forsooth she does not belong to the *genus homo*; an imperfection extended even to nature, as Bruno makes a pedant explain:

"Natura non può far cosa perfetta,  
Poichè natura femina vien detta,"

which is translated by Mr. Owen,

"That nature's imperfect is doubtful to no man  
The reason is clear, she is only a woman."

Lando treats woman on the contrary with humorous chivalry. Even in name Eve is Adam's superior, he says provokingly, for "Eve indeed signifies life, Adam only earth." Again Eve was created "in that sweetest place of delights \* \* \* Adam however in the field." And once again, "it was commanded unto Abraham to obey the behests of his wife Sarah." It is true indeed that Lando stole these convicting arguments from his predecessor Agrippa, but spite of his unoriginality and his fooling(?), he always exempts womankind from his plain-speaking, and that is more than can be said of most of his predecessors and contemporaries, from Petrarch down. Even in his caustic "*Sferza degli scrittori*," after he has called Plato more of a story-teller than a philosopher, Galen a boastful



chattered, Herodotus, "not, as Petrarch declared, the father of Greek history, but rather the father of Greek lies," Virgil, "a man of small genius and less judgment," and all, together with the wishy-washy Ovid, small-spirited Propertius, lascivious Catullus, Plautus and Terence, thieves and plagiarists; after making still worse havoc of modern writers, he lets women off with: "I am unwilling, indeed, to find fault with what they have written, but only affirm that it would be better if they did not write so much as they do to-day." Truly a Daniel come to judgment! And in another work, after cataloging poetesses, ancient and modern, he says of the latter, "with perfect right you can compare them with Dante, Petrarch, Sannazario, Bembo."

A more significant, and, with all respect, more defensible modernism of Lando's is his denunciation of slavery; "I found there (in Sicily) many things which seemed to me strange, not to say worse. I saw there breeds of men kept to sell as they sell horses, cattle, mules, and other unrational animals. The which seemed to me an outrageous doing, since, although they have not holy baptism, they are nevertheless endowed with reason, and can themselves say: *Signatum est super nos lumen vultus tui, domine.*"

Passing over Lando's more popular works, novels, dialogues, fables, although they have inherent worth and significance in the development of his literary genius, and contenting myself with simply noting the fact of this satyr-skeptic becoming frankly enthusiastic over the beauties of Holy Scripture in a dialogue on the same dedicated to a young lady, I pause for a moment over the *Quattro libri di dubbii*, Four Books of Doubts, because they are strikingly characteristic and also present Lando in a new phase; as a dabbler in natural science. It was a kind of social game in the sixteenth century, illustrated by Castiglione and others, to propose alternative propositions, more or less frivolous, for discussion, whether, for instance, it is more difficult to feign love not loving, or loving to feign not to love; whether love exhibits the greater power, either when

it makes the wise man foolish or when it makes the foolish man wise ; whether the world would be better without love, and so on. Evidently here was a fertile claim for the lover of revolt, paradox, and contradiction. Under the semblance of merest amenities he could, with safety, air his unorthodox speculations and fantastic learning. These four books deal respectively with doubts amorous, natural, moral, and religious. In the first two books Lando illustrates the state of natural science in his day. Amusing, no doubt, and yet, after all, only a little different naming and guessing, as far as causes are concerned, from our own. Here is a sample or two: Why do lovers turn red at sight of the beloved? "It happens because the blood and the spirits rise upward, hence the face, which is usually more porous than other parts, becomes colored by them." Why, on the other hand, do lovers in the same circumstances sometimes turn pale? "There is no true lover to be found who is not sometimes tortured by an evil passion, and if the occasion of the distress presents itself before his eyes, his nature shrinking inwardly, and drawing with her his blood and spirits, leaves the upper parts without color," No less ingeniously are the "furnace sighs" of love accounted for. "The thronging thoughts of those in love draw heat to the heart, whence it happens that they must breathe, from which deep breathing results the sigh which is itself the means of sucking in cold air in order to check this exceeding heat." Now, after all, is this so much more absurd than an explanation of laughter not long ago proposed in the *Westminster Review* to the effect that laughter is caused by the violent oscillation of the diaphragm, that the oscillation takes place in sympathy with the oscillation of a certain portion of the brain matter, that this brain matter oscillates because simultaneously struck on opposite sides by converging nerve currents, these last being the physical concomitants of the two incongruous, *i. e.*, opposed, ideas, which are the essential characteristics of anything laughable. A little tougher to swallow are some of Lando's solutions of "natural doubts." For in-

stance, here is a physiological one, the cause of hair: "The brain, for the generation of hair, throws off thick vapors, which exude through the pores of the skin and then, drying, turn into hair." The real trouble of this Renaissance science, and perhaps of some later science, was its immodesty in prying into causes of which we seem unlikely ever to know anything. Lando naturally could not know the significant words uttered by a countryman and kindred spirit just a century after his own birth. I mean Vancini's summing up of human knowledge in the statement: "*Effectum rei conspicimus, causam vero ignoramus*, effects we see, causes we know not."

To speak further of the "Doubts" or of Lando would be only to go over ground already traversed, to harp again on the curious tissue of contradiction, paradox and satire which is indeed not merely Lando, but Lando's age, and our own. Great men, as I have heard said, are for all time, lesser men must therefore by implication be for only special fragments of time, and consequently the better mirrors of this or that particular state of society. If you wish to know a country, don't study its peerage with all its corners and characteristic knottinesses planed off and polished by twenty different capitals of Europe. Cross-examine rather some petty, provincial shop-keeper or better still some bootless, bookless, vagrant whose horizons are strictly national and whose mind, such as it is, is an open book of first hand impressions and saturated "local colors." Such a vagrant of the Italian Renaissance is Lando.

JEFFERSON BUTLER FLETCHER.

## THE MODERN SPIRIT IN LITERATURE.

There are two great epochs in the history of English literature, the age of the Renaissance and the era of Romanticism. To take only the poets—always the most sensitive to such impulses—around the one lie grouped Sidney, Spenser, Shakspeare with all the Elizabethan and Jacobean dramatists and singers, and nurtured by the same inspiration, though coming a generation later, is the lonely Milton. The poets of Romanticism, were already foreshadowed in Burns and Cowper, but the characteristic names are Wordsworth, Coleridge, Byron, Shelly and Keats, and the spiritual chorus has continued through the century with all its manifold variations and protests and contradictions, in Tennyson and Browning, Clough and Matthew Arnold, Rossetti, Swinburne and William Morris.

The modern age and the typical modern literary spirit, however varied and diverse in its tendencies, its aspirations, its feelings, and its expressions, labored into birth towards the close of the eighteenth century. The most glaring outward convulsion which marked this great change in the sentiment and thought of Western Europe is the French Revolution. Until then, in the minds of men, if not in the actual outward state, feudality existed as the governing motor, controlling thought and action, and this was now, for the first time, in practice put aside by a creed proclaiming to recognize the common origin and destiny of humanity. The new spirit in literature, thus called forth by the genius of this revolution in thought and sentiment, is called the Romantic Movement.

It is interesting to observe the different modes in which the manifestations of the romantic spirit arise. The Germans, Goethe and Schiller, as young men, came directly under the spell of Rousseau. All the signs of inward revo-



lution are revealed in Goethe's "Werther" in "Goetz with the Iron Hand," and in "Faust" itself. It was the spirit of unrest, essaying to break with the past, to tear itself away from its surroundings and limitations, and to fathom the depths of universal consciousness. Schiller's "Robbers," written by an impetuous schoolboy, is but the protest of a generous youth against the constraints of society.

Up to the present century English literature, while owing much to Italy and to France, was, apart from the Reformation, almost unaffected by German thought. But with the beginning of the romantic fervor, it was Germany that was to give to England its mightiest impulse. Walter Scott began his glorious career by translating Goethe's romantic drama, "Goetz with the Iron Hand." In acclimatizing in English dress the German ballads of Bürger and of Uhland, Scott was further taught the almost infinite possibilities in his own Scotch-land, in her ballads, her legends and the wonderfully chequered and romantic history of her feuds and factions and clans. Wordsworth and Coleridge, too, owe much to German residence and travel. Byron came under the influence of the universal and far-seeing Goethe. German music was introduced into England by Handel, and the growth of these influences was at least not retarded by the presence of an English family on the German throne.

In every writer, in every poet, there was a break from old traditions. It was, in every case, sentiment prevailing, but sentiment variously expressed. With Wordsworth, the sentiment of a love for nature, for sincerity and simplicity; with Coleridge, that of religion and the seductions of mystic philosophy; with Shelley, that of the ideal; with Keats, that of the beautiful; with Byron, as in the case of the younger Gæthe, and with Alfred de Musset in France, that of languor and passion, the *maladie du siècle*, the affectation of genius languishing and dying neglected.

But there was a much deeper under-current in this movement. It signified the opposition and revolt to old and self-constituted strictures. Doubtless it often assumed too much

freedom, but the secret of the great on-rush of spirit in the beginning of this century, as in the titanic forces at work in the time of the Renaissance, under Elizabeth, lay in the bursting of the fetters which had so long enchained imagination and thought.

The results of romanticism in France, among a volatile people, were a truer poetry, a new drama, a new fiction, and a new art. Their poetry had lacked true feeling and warmth since Malherbe and Boileau had shackled it to classic models. The genius of romanticism supplied the spirit hitherto denied, the personal note, so that the poetry of Hugo and of de Musset stands out distinct in the annals of French production. And in its train a most important result was the revival of art, the renewed love and study of the Gothic Cathedral. Victor Hugo breathes this spirit in *Notre Dame de Paris* and in *Les Misérables*. In his numerous writings, his gigantic imagination reaches out everywhere, not only embracing the day's passion and devotion to nature, but in its reverence for old age, love for children, sympathy for the wretched and feeling for the outcast, speaking in unmistakable accents the newly-awakened gospel of humanity. It is in this sympathy for man, for the poor and the pitiful, that the genius of romanticism shines out at its clearest. It is this same key which unlocks the secret of the unparalleled popularity of the novels of Charles Dickens.

Across the Rhine, among the Germans, the love for the past called forth the aspirations which have resulted in their national unity. The German student songs, once filled with melancholy and sadness, looked forward now with buoyant hope to the rejuvenescence and rekindling of the Fatherland. It was the age when young Bismarck was at the University, and even then he was ready to prophesy the coming union of the separated provinces. No less associated with this spirit is the modern philologic interest. The origins of the State, of the people, of their language and their literature, the mythology, the legends, the traditions of the cradle of

the race, were all studied, Germanic philology began with the brothers Grimm, and Romance with the name of Diez. These same legends became in every land an overflowing fount for poetic inspiration. Tennyson, in the "Idylls of the King," Robert Browning, Matthew Arnold, Swinburne, and William Morris, in his Icelandic sagas and Norse tales, all the great English poets of the half century, have in turn become enchained and enchanted. Everywhere, the spirit of romanticism, itself based on sentiment, called forth national fervor and strengthened patriotic impulse. In Germany it created not only the State, awakened a philology, inspired a literature, and exalted music, it gave to the world philosophy in the systems of Kant, Fichte, Schelling, and Hegel. In striking back to the roots of the race and drawing substance from the primary sources, the study of the master-poet, and dramatist was revived. Not only does Goethe's "Wilhelm Meister" contain a notable criticism on Hamlet, and Schiller accept the many-peopled acts and varying scenes of Shakspeare's art, in opposition to barren French classicism, as his moving model, but the Germans appropriate Shakspeare bodily. Lessing is one of the first to give a true estimate of his genius, the brothers Schlegel lecture on his art and poetry, and there are begun those marvelous translations into German which rank with their own classics and make Shakspeare to-day the most popular author on German boards. Victor Hugo introduced him into France; and in England the studies of Lamb, Coleridge, Hazlitt and De Quincey were the augury of a new era in English Shaksperian criticism.

It was to German philosophy, German groping, searching, probing, that we owe much of this revelation. Wincklemann went to Italy to grasp the secret of classic art and declared to the world that the masterpieces of Greek genius were but the expression in plastic form of Greek ideals, Greek conceptions, and, in its finality, of Greek life. Herder saw in the ancient ballads and folk-songs, not mere

ancient melodies and rhymes, but sacred voices, welling from the hearts of the people, telling in simple, yet fervid and penetrating eloquence, of their griefs, and joys, and sorrows and hopes and fears. In short, here was the full expression of national existence and aspiration. Then came Goethe, and the modern era, was full upon us.

The attempt was made in criticism to know man in all his surroundings and inner experiences and emotions, and to interpret the literary product as the result of this personality, subjected to and at work upon definite conditions. In this criticism there was often too much superficiality and artificiality. The later German school, perhaps, has erred here most of all. These enthusiastic demonstrators of a theory will explain any poem, as the definite calculable resultant of a particular experience, an assigned expression or a given element of heredity. The outward accessories are all given in the fullest detail, but they forget that there must be the spiritual insight and the intuition, which find in these externals only their bare suggestion.

But the scientific truth remains. Burke's speeches do give a true photograph of the operations of his mind and force of conviction, the very selves of Mr. Secretary Addison and Dick Steele and Goldy and Boszzy rest between the lines of their writings, and these products are the fittest representation of the man working amid his conditions in his time. The genial, lovable, spirit of Charles Lamb is wrought into the very warp and woof of the "Essays of Elia," truth and poetic imagination, indistinguishable in their blending. We know of a certainty what the nature was of the creator of Mercutio, Shylock, Falstaff, Hamlet, Othello, Lear, and Prospero. Literature, in this aspect, is but the varied expression of life, and the key to each life is to be found in its personal element, its spirit, its soul.

Would Shakspeare be Shakspeare were he living in the nineteenth century? is a question often asked, and most probably in a spirit of paradox and as a sort of quizzical puzzle. We might believe that a man of Shakspeare's



transcendent genius and will and soul, who was no penny-a-liner, would speak in some form, whatever it might be, nearest to his age. But is not this even better expressed by saying that Shakspeare *was* Shakspeare, because in his own life's experience and in its expression, he was so closely in touch with the spirit of the life of Elizabethan England, and that he was the truest embodiment of his age, and of his race and literature in that age.

It is generally agreed that the highest expression of this "criticism of life" is found in verse. The epic tells of life, the drama shows it in actual conflict, the lyric expresses it even more closely because it ranges through the whole gamut of human feeling. If we run over our current American magazines and books we observe that virtually all the verse is lyric. It is the varied utterance of our national and individual feeling. Everywhere it is the register of personal emotion, of individual opinion, that is heard. It is not the law, the order, the rule of the mass, it is the variety and even the discord of the individual. The scientific age helps to intensify this spirit. It suggests analysis and it leads to inquiry. But we are as far as ever from escaping the universal passions and feelings of the race. So long as the human heart beats, so long as life-blood pulsates in the veins, so long as the human soul has its hopes, its aspirations, its joys, its anguish, its sufferings and its sorrows, so long as there is life, we shall have the highest and fullest expression of that life in poetry.

It is interesting to trace the influence of the discovery and occupation of America, just celebrated so wondrously in its four hundredth anniversary, upon the modern movement of European thought, as well as the effect of this spirit upon American literature.

The voyage of Columbus and the spirit of discovery had in itself a romantic tinge which was characteristic of the fifteenth century in Southern Europe. It was the fall of Constantinople, not forty years before, that prepared the way for the Renaissance in continental letters to find its

crowning refrain in Elizabethan England, The dream of a new heaven and a new earth is constantly met, from now on, in poetry and in fiction. Plato and Aristotle had given their philolophic conceptions of an ideal state in ages gone. We have here the "Utopia" of Sir Thomas More, Bacon's "New Atlantis," "The Tempest" of Shakspeare, the romantic idyl of "Paul and Virginia," "Pantisocacy," the dream state of Coleridge and Southey, to name no others, all looking to that new and unknown land across the waters in the west as the cradle of the fondest possibilities. Further still, who may compute the influence, conscious and unconscious, of the Revolution in America in 1776 upon that of France in 1789, and the subsequent intellectual revolt of all Europe? Whether or not this was to be the ideal conditions for such thought and aspiration, where all was deemed to be effete and corrupt, where all was hopeless amid old surroundings and circumstances, the mind could turn in thought with relief to a country with green forests, fresh waters and blue skies. Rousseau's theory of an ideal state, of a return to nature, was here actually possible. With what holy feelings many of the emigrants threaded their way to this new world! What imaginary possibilities were evoked by the prophets and preachers of sentimentality in Europe, by Rousseau himself, by Chateaubriand, the inaugurator of French romanticism, and even by the German Gœthe! And since then, who may count the various schemes of socialism and communism in and out of books to which America has given even more than a local habitation and a name.

/ American letters have been deeply affected by this spirit and America has become the peculiar home of romantic feeling. The eighteenth century pessimism and absolute denial could at first find little response in a new world regarded as the refuge for the oppressed, as the haven from all ills of society and of state, and as a promised land for God's people. If in time disenchantment and disillusion were to follow, self-analysis to set in and hopelessness to be

portrayed, they have found as yet comparatively little expression in our letters. It is not a characteristic American note, but at most a foreign importation and a personal refrain rather than a general and universal attribute. / A natural optimism and buoyancy permeated American life, characterized with hopes of success and not unfrequently with their quick realization. Intensified by the memories of a successful struggle at the beginning of our national existence, a romantic cast spread over everything produced in our first half century. The greatest achievements in American fiction of that date, Washington Irving's sketches, Fenimore Cooper's stories of adventure, Edgar Poe's tales of mystery, Hawthorne's weird fancies, all breathe the essence of romanticism. Especially in the South and West it has always been the ardent warmth and fervid passion, the buoyant hope and tender regret, which have found clearest utterance. Who could be oblivious of bright skies and cheerful sunshine? Where grass and flowers and foliage abound profusely, who may close the eyes to this wonderful wealth of nature? And we find this fluency and profusion of richness characteristic of Southern oratory, Southern poetry, Southern fiction. One acquainted with the luxuriant beauty of the Appalachian mountains in Eastern Tennessee finds ready excuse for Charles Egbert Craddock's arresting the course of her narrative with pages of description. The external nature in these stories is the very heart and soul of the action. One feels that the figures would be unexplained were not the natural surroundings present to account for them. The brilliant hues of a Georgia summer's day glow on the pages of Johnston, Harris, Thompson, and Edwards, while the same rich coloring, suffuses Page's "In Ole Virginia," and Allen's "Sister Dolorosa."

The later developments in New England fiction have been somewhat different. Side by side with delineation, as in Mrs. Stowe's romantic settings, psychological analysis flourishes in the marshes and salt sea breezes of Miss Jewett and

✓ in Miss Wilkins' types, and detailed self-introspection in the work of Mr. Howells and Mr. James. / But in New England there are indications of a later development even than Mr. James, if the expressions of that most popular lecturer on letters at Harvard, Professor Barrett Wendell, in his recent volume of essays are to be taken very seriously. In his attitude of thought he has caught with perfect success the latest development of the *fin-du-siècle* spirit. To him there is precious little hope for the race anyhow, nothing longer worthy of enthusiasm, naught at which one would dare confess any trace of emotion or sentiment or surprise. He is philosophically enduring his lot and waiting, as he calmly gazes forward to the inevitable end of the century, and is ready for the eternal doom itself which must surely fall, if more western, and possibly more American, standards should prevail! So far is he come in his disappointment and fear of things American!

✓ But such feelings could clearly come in only by foreign importation, and are not a native product. / The average American experience is more associated still with the outward active bustle of adventure and excitement than with even the first stages of morbidly contemplative existence, pre-requisite to a life of self analysis. The Dickens type of story, picturesque, endowed with passion, suffused with color, and often verging on the burlesque and comic, is still the prevailing model in American fiction. Bret Harte describes the camp life of the early California "forty-niners." Joaquin Miller retreats to the Northwest and the Pacific slope. It is amid Californian and western mountains that Helen Hunt Jackson and Mary Hallock Foote locate their romances. Edward Eggleston catches and preserves the crude, earnest and half superstitious hoosier life in frontier Indiana and Illinois. Mark Twain finds his early experiences on the Mississippi furnishing perennial inspiration for Tom Sawyers and Huckleberry Finns. Octave Thanet dwells amid French Canadian life or among Arkansas rangers. Charles Egbert Craddock discovers the East Ten-



nessee mountaineer and the "leetle people." Cable and Miss King reveal in the picturesquely varied race-life of New Orleans a mine of untold wealth. The dialect is introduced—the uncouth forms of the West, the slovenliness of the South, the admixture of French *patois* and German and Irish Americanisms, the wonderfully mellifluous consonant softenings and vowel widenings of the negro.

And yet a singular phenomenon is worth noting. The first attempts at something different among the writers of the South come from authors west of the Appalachian range and from Tennessee. Three or four years ago the sister of the lady who bears the *nom de plume* of Charles Egbert Craddock, the latter the very embodiment of romantic writing, wrote for the *Atlantic Monthly* a delicious bit of realism, something which was intended as an objective psychological study. Miss Sarah Barnwell Elliott, began, in "Jerry," with the usual romantic coloring of the dialect tale, but later depicted as a dramatic realist the uncontrolled lust for money. And Mrs. Francis Hodgson Burnett, in "The One I Knew the Best of All," has just analyzed the truth and poetry of her own childhood and told the impressions of Knox County scenery upon her girlish imagination.

But too much may be made of local conditions everywhere, if these should lead to imperfect standards and to commonplace mediocrity. The point of view of universal criticism is too often obscured, if not entirely effaced. This is what Mr. Warner accentuates when he inveighs against the presence of "Barnumism" so prevalent in American letters. The ephemeral production of the day is acclaimed as if conveying a revelation for all time, and dialect is crowned as if a fitting ornament for posterity. No distinction seems to be made, if we may recur to Matthew Arnold's admirable classification, between the historical and relative import, the personal equation, and the absolute standards of universal criteria.

But to return from a digression, however alluring in its

suggestiveness. In British fiction Scotland has been pre-eminently the home of the romantic spirit. But because, perhaps, of the sombreness of its skies and rigor of climate, Scotch romanticism bears preferably melancholy traits. An innate sadness, and, at times, even a morbidness is seen in the simple rustic tales and the recital of native superstitions. Readers of *Blackwood's* need not be told of this. It is in large measure a tone already caught in the old Border Ballads, singing their tales of woe and desolation and death. Yet, if a vote were taken as to the most delightful teller of tales in Great Britain, the suffrage might fall upon Mr. Robert Louis Stevenson, of whom Mr. Henry James, so different in his own feelings, has written so appreciatively. Both Stevenson and the more youthful Barrie are Scotchmen, and both are exponents of the deepest romantic feeling. Their fellow-countryman and universal critic, Mr. Andrew Lang, true Scotchman, too, even if Oxonian, is as unsympathetic towards M. Zola and Mr. Howells as he is genially warm over Sir Walter. On the other hand, if we cross the line and step into England, the manifestations at once become more complex. Mr. Thomas Hardy, who could compete successfully for the palm as a literary artist, has brought, particularly in "Tess," his strongest work, all the aids of realistic art to express his overpowering scorn of the false conventionalities upon which modern society rests, and Mr. George Meredith, like Mr. Henry James, is purely and simply the analyst of human motive and the dissector of the human heart and passion.

But it is necessary to hasten this discussion to a close. It was French art which first gave the expression to the spirit of romanticism. It is in France that the extreme development into so-called realism and naturalism has received its strongest impulse. Through the passion of George Sand to the methods of Balzac, in all their qualities of dissection and vivisection, is not so great a step. From Balzac's *Comédie Humaine* to Flaubert's "Mme. Bovary," is an easy stage, and the most modern of the brilliant Frenchmen, Alphonse Daudet, Emile Zola, and Guy de Maupassant,

have all built upon the principles of art developed in Flaubert's masterpiece. The revolution of the wheel is here complete. Just as romanticism was a protest against the dry and barren forms of thought in the eighteenth century, so realism itself is a revolt against the accepted forms of romantic art.

But even in Paris the evidence is conflicting. Two recently elected members of the French Academy, Pierre Loti, himself the ablest living representative of sentiment in romances delicately tinged with a feeling for beauty of landscape, sky, and sea, obtained from a life service in the navy, and Ferdinand Brunetière, also, in taking their seats among the Forty Immortals, have attacked the hard and ugly realism of Zola. The psychologist, Bourget, declared in a recent magazine article that in its tendencies the literary France of this decade is repudiating the literary France of the last. Nay, he boldly asserts that if de Maupassant's art had not pushed him into an early eternity, this author of one of the most profligate and at the same time powerful of French stories, would have attained the changed point of view of the devout Roman Catholic. I do not wish to press the argument, but the discussion has been interesting. These are significant as Parisian and academic protests, even from men who cherish no illusions. Diffuse details of ugliness and wickedness may be a part of some experience, but such is neither the sum nor crown of human life. The devil, *maladie-du-siècle*, has been cast out only to give place to the worse devil, *fin-du-siècle*. No finality has been reached, the last word has not been spoken.

The mistake is not that they feel an interest in scientific realism but that, because they think it necessary (as so many who must be partisan in their books as well as in politics), they condemn and burn the other. Deny, if one will, that Walter Scott's and Victor Hugo's methods are correct, the fact remains that they have inspired two generations. Criticise with the same ruthlessness Dickens and Thackeray, yet there is a breadth of view, a touch from the soul,

kindly and kindling at the same time, which appeals to the combined experience and belief of mankind. That man under certain conditions may descend to the brute has been powerfully depicted by Zola, that the lust for money quenches all the finer instincts is perfectly true—the pages of his novels glow with this terror and reality. But that man may become a fiend was known before M. Zola proclaimed it to the world. I would not take issue with authors of this ilk. They fill a niche in literature and subserve a purpose in art; but there is more to be said, if it be also true that men may become better and truer and nobler, if there be such a thing as the ideal, even subjectively. "Truth," is the watchword of ones school, and, according to certain conceptions, life and truth may be synonymous. "Beauty," cry the advocates of another, yet it is easily possible that this beauty may become too false, too unreal and too whimsical. But truth is not limited to ugliness, nor is beauty confined to the fantastic. Surely art in letters, seeking to become not a manifestation of romanticism, not a voucher of realism, not a bit of impressionism, not a system of philosophy, nor exegesis of this creed, nor exposition of that dogma, but a classic blending of truth and beauty in one harmonious whole, combining loftiness of thought and feeling with fidelity and kinship to the human soul, is still an aim, clear and distinct and worthy and noble.

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